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LAWS

OF THE

142857

Territory of Utah,

PASSED AT THE

Twenty-ninth Session of the Legislative Assembly,

HELD AT

*The City of Salt Lake, the Capital of said Territory,
Commencing January 13, A. D. 1890, and
Ending March 13, A. D. 1890.*

PUBLISHED BY AUTHORITY.

SALT LAKE CITY:
THE DESERET NEWS COMPANY.
1890.

FEDERAL OFFICERS OF UTAH TERRITORY.

GOVERNOR:

ARTHUR L. THOMAS.

SECRETARY:

ELIJAH SELLS.

JUDGES OF THE SUPREME COURT:

Chief Justice:

CHARLES S. ZANE.

Associate Justices:

T. J. ANDERSON,
H. P. HENDERSON,
J. W. BLACKBURN.

UNITED STATES MARSHAL:

E. H. PARSONS.

UNITED STATES ATTORNEY:

C. S. VARIAN.

ASSISTANT UNITED STATES ATTORNEY:

E. B. CRITCHLOW.

/

SURVEYOR GENERAL:

E. DAGGETT.

REGISTER OF THE LAND OFFICE:

F. D. HOBBS.

RECEIVER OF PUBLIC MONEYS:

HOYT SHERMAN, JR.

UNITED STATES DEPUTY REVENUE COLLECTOR:

T. C. BAILEY.

AMENDMENTS TO THE COMPILED LAWS OF 1888.

*The following sections of the Compiled Laws of 1888 were amended
at the twenty-ninth session of the Utah Legislature:*

VOLUME I.

Sec. 10	Sec. 1906	Sec. 2084	Sec. 2200	Sec. 2212	Sec. 2223
76	1907	2092	2202	2213	2224
145	1908	2114	2203	2214	2225
184	1941	2115	2204	2215	2226
1824	2008	2116	2205	2216	2227
1825	2012	2119	2206	2217	2228
1826	2013	2160	2207	2218	2229
1828	2023	2169	2208	2219	2230
1835	2027	2170	2209	2220	2231
1892	2030	2198	2210	2221	2232
1902	2043	2199	2211	2222	2236
1903					

VOLUME II.

Sec. 2268	Sec. 2360	Sec. 2825	Sec. 3303	Sec. 3790	Sec. 4469
2272	2411	2955	3304	3806	4622
2273	2531	2956	3388	3820	4631
2277	2532	2957	3529	4165	4643
2320	2533	3200	3750	4455	4677
2323	2591	3301	3754	4457	5274
2349	2805	3302	3788		

*All laws in conflict or inconsistent with the following acts are
repealed:*

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L A W S
OF THE
Territory of Utah,

PASSED AT THE
TWENTY-NINTH SESSION OF THE
LEGISLATIVE ASSEMBLY.

CHAPTER I.

CONTINGENT EXPENSES.

AN ACT to provide for the payment of the contingent expenses of the
Twenty-ninth Session of the Legislative Assembly of the Territory of
Utah.

SECTION 1. *Be it enacted by the Governor and Legislative
Assembly of the Territory of Utah:* That the sum of twelve
hundred dollars, or so much thereof as may be necessary, be,
and the same is hereby appropriated out of the funds of the
territorial treasury, for the purpose of defraying the con-
tingent expenses of the twenty-ninth session of the Legisla-
tive Assembly; and the auditor of public accounts shall draw
his warrant on the treasurer for such money, or any portion
thereof, upon the request in writing of the President of the
Council and Speaker of the House of Representatives.

Legislative contin-
gent.

Sec. 2. This act shall take effect from and after its
approval.

Approved January 29, 1890.

CHAPTER II.

DEFECTIVE TITLES.

AN ACT to validate and make admissible in evidence certain deeds, con-
veyances, mortgages, powers of attorney, and other instruments
affecting title to real estate heretofore recorded in or upon the records
of the office of the county recorders of the several counties of this
Territory, wherein the same are defectively executed, attested, ac-
knowledgeed, certified recorded, or certified of record, except as
against subsequent purchasers incumbrancers and assignees.

SECTION 1. *Be it enacted by the Governor and Legislative
Assembly of the Territory of Utah:* That all deeds, conveyances,

mortgages, powers of attorney and all other instruments in writing affecting the title to real estate, and now copied into the books of record of the office of the county recorders of these several counties of this Territory, shall, after the approval of this act, impart to subsequent purchasers and incumbrancers, and all other persons, notice of all such deeds, conveyances, mortgages powers of attorney and other instruments in writing, so far and to the extent that they are of record as aforesaid, notwithstanding any defect, omission or informality existing in the execution, attestation, acknowledgment certificate of acknowledgment, recording or certificate of recording the same, and all such deeds, conveyances mortgages, powers of attorney and other instruments, and the records or authenticated copies of the records thereof, shall be admissible in evidence, notwithstanding such defects or omissions; *Provided*, that nothing in this act shall be construed to affect any right or title heretofore acquired by subsequent purchasers, grantees, or assignees.

Defects in titles.

Records may be used as evidence.

Not to affect title heretofore acquired.

Sec. 2. This act shall be in force from and after its approval by the Governor.

Approved February 3, 1890.

CHAPTER III.

REFORM SCHOOL.

AN ACT amending Section 1906 of the Compiled Laws of Utah of 1888.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1906, of the Compiled Laws of Utah, of 1888, be, and the same is hereby amended by adding to said section, at the end thereof, the following: And all such expenses when properly certified by the superintendent of the Reform School, shall be paid by the officer who at the time shall be charged by law with the payment of witnesses and jurors on the part of the Territory, out of the fund appropriated for the payment of such witnesses and jurors.

Approved February 5, 1890.

Expenses how paid.

CHAPTER IV.

CHATTEL MORTGAGES.

AN ACT to amend Section 2805, Compiled Laws of Utah, 1888, relating to Chattel Mortgages.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2805 of the

Compiled Laws of Utah 1888, be and the same is hereby amended by striking out the words "one year" at the end of said section and inserting in lieu thereof the words "fifteen months." Valid fifteen months against creditors.

Approved February 8, 1890.

CHAPTER V.

HIGHWAYS.

AN ACT to amend Section 2084 of the Compiled Laws of Utah of 1888, relating to Highways.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2084 of the Compiled Laws of Utah of 1888, be and the same is hereby amended so as to read as follows:

Sec. 2084. s. 20. Any person who wilfully or carelessly obstructs or injures any public or other highway by causing or permitting flow or seepage of water, or who wilfully or carelessly permits water under his control to escape in any manner, so as to injure any public or other highway, or any person who shall wilfully or carelessly place or leave, or caused to be placed or left, any log, timber, stone, wood or other material, or any machinery, wagon, or other vehicle upon any public or other highway, in such a way as to obstruct the travel, or to endanger property or persons passing upon such highway, is guilty of a misdemeanor. Obstructing roads to be punished as misdemeanor.

Approved February 8, 1890.

CHAPTER VI.

RAILROAD CORPORATIONS.

AN ACT amending Sections 2320, and 2323 of the Compiled Laws of Utah, of 1888 relating to railroad corporations.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2320 of the Compiled Laws of Utah of 1888, is hereby repealed, and the following substituted therefor, namely:

Sec. 2320. s. 6. The directors named in said articles of associations, shall meet and organize as a board within twenty days after having received notice of their election, given by the treasurer named and designated in the second section of this act, and at the first meeting of the board, after each election of directors, they shall elect from among their number a president and a vice-president, and from the stockholders a Directors shall meet and organize within twenty days.

secretary and treasurer, who may hold office during the pleasure of the board or until their successors have been elected and qualified; any officer or director may resign by filing with the president or secretary a written resignation; and any vacancy caused by removal, resignation or death shall be filled by the board of directors by election from among their own number, or from the stockholders; the secretary and treasurer before entering upon their duties, shall each give a bond with such security as may be prescribed by the board of directors, which shall be filed with the auditor of public accounts. The temporary treasurer required by the second section of this act, shall pay over all moneys received by him as such treasurer to the treasurer elected by the board of directors, as soon as the latter has qualified.

Sec. 2. That section 2323 of the Compiled Laws of Utah of 1888, is hereby amended by striking out of line four of said Section 2323, the word "thirty" and substituting in lieu thereof the word "twenty."

Approved February 14, 1890.

Term of office of
Directors.

Retiring treasurer
shall pay over
money.

Notice reduced to
twenty days

CHAPTER VII.

TRIAL BY REFEREE.

AN ACT amending Section 3388, of the Compiled Laws of Utah of 1888 relating to Trial by Referee.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 3388, of the Compiled Laws of Utah of 1888, is hereby amended by adding thereto at the end thereof the following: Any action, proceeding or matter referred, may be brought on for trial, or hearing before the referee by either party on fifteen days' notice to the other party, and to the referee, of the time, and place of trial or hearing; subject to such postponements and continuances as might be obtained were the trial before the court or jury.

Sec. 2. This act shall take effect from its approval.

Approved February 20, 1890.

Trial by referee by
giving fifteen days'
notice to the other
party.

CHAPTER VIII.

PROBATE PROCEDURE.

AN ACT amending Section 4165 of the Compiled Laws of Utah of 1888 relating to Probate Procedure.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 4165 of the

Compiled Laws of Utah of 1888, is hereby amended by adding the following: *Provided*, no order of sale granted in pursuance of this chapter shall continue in force more than one year after granting the same, unless a sale has been made thereunder. Duration of order of sale.

Sec. 2. This act shall take effect upon its approval.

Approved March 1, 1890.

CHAPTER IX.

JUSTICES' COURTS.

AN ACT amending Section 3790 of the Compiled Laws of Utah of 1888, relating to the trial of actions in Justices' Courts for forcible entry, forcible detainer and unlawful detainer.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 3790, of the Compiled Laws of Utah of 1888, be, and the same is hereby amended, by adding to the said section, at the end thereof the following: *And provided, further*, that whenever for any cause, there is no justice's court within the precinct in which such property, or some part thereof is situated, an action may be brought in any justice's court of an adjoining precinct in the same county, if there be a justice's court in such adjoining precinct, and if not, then in any justice's court within the county in which such precinct is situated. Providing for absence of justices' courts.

Sec. 2. This act shall take effect upon its approval.

Approved March 3, 1890.

CHAPTER X.

TOWNSITES.

AN ACT to amend Section 2825 Compiled Laws of Utah 1888, pertaining to rules and regulations under the Townsite Act.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2825, Compiled Laws of Utah 1888, be and the same is hereby amended by adding to said section at the end thereof the following: Said money shall be drawn for the purposes, before specified, when ordered by the city council or county court as the case may be, in the same manner as other moneys are drawn from said treasuries. Manner of drawing money.

Approved March 3, 1890.

CHAPTER XI.

BRANDING AND HERDING CATTLE.

AN ACT amending Section 2202 and repealing Sections 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213 and 2214, of the Compiled Laws of Utah of 1888, "Relating to branding and herding cattle" and substituting in lieu of the sections repealed, new sections to be numbered 2203, 2204, 2205, 2206, 2207, 2208, 2209 and 2210.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2202 of the Compiled Laws of Utah of 1888, be and the same is hereby amended by striking out the words "numbering twenty head or more" in the second and third lines of said section.

Sections repealed. Sec. 2. Sections, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213 and 2214, of the Compiled Laws of Utah of 1888 are hereby repealed and the following sections to be numbered 2203, 2204, 2205, 2206, 2207, 2208, 2209 and 2210 are hereby enacted in lieu thereof.

Sections substituted. Sec. 2203. Every person who shall unlawfully or willfully drive any stock from its range in this Territory without the consent of the owner thereof, and shall not within twenty-four hours thereafter, return such stock to the place from whence driven, shall be guilty of a misdemeanor.

Penalties for unlawfully driving stock from its range. Sec. 2204. All persons who occasionally slaughter for beef, either for home consumption or other purposes, except licensed butchers, shall preserve and expose in a conspicuous place, the hide of each animal for twenty days next after the killing of such animal.

Hides of slaughtered animals to be exposed. Sec. 2205. It shall be unlawful for any person other than the owner or his agent or employe or other person duly authorized, to remove from the carcass the skin, hide or pelt of any neat cattle or sheep found dead.

Removal of hide or pelt from carcasses. Sec. 2206. The county court of any county when such court deems it necessary for the public welfare, may appoint one or more detectives to discover and detect violations of the stock laws within any such county, and such detectives shall be paid from the county treasury such compensation as may be fixed by the county court. The county courts of the several counties of this Territory may offer and pay from the county Treasury, rewards for the detection of persons violating the provisions of this act.

County courts may appoint detectives. Sec. 2207. Any person who shall drive or bring neat cattle, horses, asses, mules, sheep or swine to or through this Territory, shall be deemed a drover, and any such drover who shall fail or neglect to carefully examine his herd, after driving them over any portion of this Territory, and separate and drive away from his herd all cattle, horses, asses, mules, sheep

When deemed a drover.

Herds to be examined and separated.

Compensation.

Rewards.

or swine, not branded with his brand, or to the possession of which he may not be entitled, shall be guilty of a misdemeanor. Penalty.

Sec. 2208. Any person who shall knowingly brand or misbrand, mark or mismark any neat cattle, horses, asses, mules, sheep or swine, not his own, or who shall intentionally brand over a previous brand, or in any manner deface or obliterate a previous brand, or shall cut out or obliterate a previous mark, on any neat cattle horse, sheep, goat, ass or mule not his own, shall be guilty of a felony. Penalty for changing or defacing brands or marks.

Sec. 2209. It shall be unlawful for any person to load, during the night time, any neat cattle, horses, sheep or swine, in any railway car in this Territory for the purpose of shipment over any railway, and it shall be unlawful for any superintendent, agent or employe of any railway company, to furnish any railway car, for the purpose of loading any cattle, horses, sheep or swine in the night time for shipment over any railway in this Territory. Shipment of stock.

Sec. 2210. Any person who shall wilfully do any act prohibited or declared unlawful by this act, or who shall wilfully neglect or refuse to do any act herein required, for which punishment is not in this act prescribed, shall be guilty of a misdemeanor. Penalties.

Approved March 3, 1890.

CHAPTER XII.

BUILDING AND LOAN ASSOCIATIONS.

AN ACT to enable Associations of persons to become a body corporate to raise funds to be loaned only among the members of such Association.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That whenever any number of persons not less than five, residents of the Territory, may desire to become incorporated as a mutual building, loan and homestead association, for the purpose of loaning money to the members thereof only, and for building and improving homesteads, they shall make a statement to that effect, under their hands and seal, duly acknowledged before some officer in the manner provided for the acknowledgment of deeds, such statement shall set forth the name of the proposed corporation, its capital stock, its location, and the duration of the corporation, which statement shall be filed in the office of the clerk of the probate court of the county in which the principal place of business of the corporation is located. The clerk of said court shall thereupon issue to such persons a license as commissioners to open books for subscription to the capital stock of said corporation at such time and place as they may Number persons required to incorporate. Purposes. What statement shall set forth. Clerk to issue license.

determine, but no license shall be issued to two associations having the same name.

Sec. 2. As soon as fifty shares or more of the capital stock shall be subscribed, the commissioners may convene a meeting of the subscribers for the purpose of electing directors, officers, adopting a charter and by-laws and the transaction of such other business as shall come before them. Notice shall be given by depositing in the post office, properly addressed to each subscriber, at least ten days before the time fixed a written or printed notice, stating the objects, time and place of such meeting. The number of directors and the number and kind of officers of corporations organized under this act, with their respective qualifications and term of office and the time and manner of their election, removal and resignation shall be as agreed or stated in the charter and by-laws.

Sec. 3. The commissioners shall make a full report of their proceedings including therein a copy of the notice provided for in the foregoing section; a copy of the subscription list, a copy of the charter and by-laws adopted by the association, and the names of the directors and officers elected, and their respective terms of office, which report shall be sworn to by at least a majority of the commissioners, and shall be filed and recorded in the office of the clerk of the said probate court, said clerk shall thereupon issue a certificate of the complete organization of the corporation, making a part thereof a copy of all papers filed in his office in and about the organization of the corporation, including a copy of the license issued as provided for in Section 1 of this act, and duly authenticated under his hand and seal of said court, which certificate and papers shall be filed in the office of the secretary of the Territory, who shall thereupon issue to said association a certificate of incorporation under the great seal of the Territory in the manner and form prescribed in Section 14 of this act which certificate of incorporation shall be evidence of the due incorporation of the association. Upon the issuance of such certificate of incorporation, the corporation shall be deemed fully organized and may proceed to business, and unless such company shall be organized and proceed to business as provided in this act within two years after the date of such license, the license and all proceedings thereunder shall be void.

Sec. 4. Corporations formed under this act shall be bodies corporate for the period of not less than ten, nor more than fifty years, may sue and be sued; may have a common seal which they may alter or renew at pleasure.

Sec. 5. The corporate powers shall be exercised by a board of directors elected by and from the stockholders at their annual meeting who shall qualify as required by Section 2270 of the Compiled Laws of Utah 1888. *Provided*, the number of directors shall not be increased or diminished, nor the term of office changed, without the consent of

Organization.

Commissioners' report.

Secretary of the Territory to issue certificates.

When license is void.

Period of existence.

Powers.

Seal.

Election of directors

the owners of two-thirds of the shares of stock. The officers of the company shall consist of a president, a vice-president, a treasurer, and a secretary, who shall be elected by the stockholders at such annual meeting from the members of such board and as provided in the charter or by-laws of the association. *Provided; further* that the secretary only shall be entitled to such compensation as may be determined by the board of directors, and *provided, further* that the treasurer and secretary shall give bonds, with at least two sufficient sureties to be approved by the board of directors, which shall be filed with the clerk of said court.

Officers.

How elected.

Compensation.

Bonds.

Value of shares.

Transfers.

Manner of payment.

Liens.

Series.

Withdrawals.

Limitation of withdrawals.

In case of death.

Married women.

Sec. 6. The shares of stock shall be one hundred dollars each, and shall be deemed personal property transferable upon the books of the company in such manner as may be provided by the by-laws, and subscriptions therefor shall be made payable to the corporation and shall be payable in such periodical instalments, and at such time or times as shall be determined by the charter and by-laws; but no periodical payment to be made exceeding two dollars on each share; and every share of stock shall be subject to a lien for the payment of unpaid instalments and other charges incurred thereon under the provisions of the charter and by-laws and the by-laws may prescribe the form and manner of enforcing such lien. New shares of stock may be issued in lieu of shares withdrawn or forfeited and the stock may be issued in one or in several successive series as may be provided in the charter and by-laws, and in such amount (not to exceed the total capital stock) as the board of directors may determine, and any stockholder wishing to withdraw from the said corporation, shall have power to do so by giving thirty day's notice of his intention to withdraw, when he shall be entitled to receive the amount paid in by him, and such interest thereon or such proportion of the profits thereon as the by-laws may determine, less all fines and other charges: *Provided; that* at no time shall more than one-half of the funds of the treasury of the corporation be applicable to the demands of withdrawing stockholders without the consent of the board of directors, and that no stockholder shall be entitled to withdraw whose stock is held by the association in pledge for security. Upon the death of a stockholder, his legal representative shall be entitled to receive the full amount paid in by him on all shares not borrowed upon or pledged to the association as collateral security and legal interest thereon, first deducting all charges that may be due on the stock; but no fines shall be charged to a deceased member's account from and after his decease unless the legal representative's of such decedent assume the future payment of the dues on the stock.

Sec. 7. Married women may become subscribers to the capital stock of such association, and hold, control and trans-

Exempt from debt of husbands. fer their stock in all respects as femme-sole, and their stock shall not be subject to the control of, or liable for the debts of their husbands. **Minors.** Minors may become subscribers to and owners of the stock of such associations by guardian or trustee, and such guardian or trustee may withdraw the stock of such minor as provided in Section 6, of this act. *Provided:* however that such guardian or trustee shall give bonds to the probate court in double the amount of the withdrawal value of such stock for the use of such minor.

Guardian's bonds.

Directors' meetings. Sec. 8. The board of directors shall hold such stated meetings at least once a month as may be provided by the by-laws at which the money in the treasury, if one hundred dollars or more, shall be offered for loan in open meeting, and the stockholder who shall bid the highest premium for the preference or priority of loan and comply with the provisions of the by-laws, respecting the awarding of loans, shall be entitled to receive a loan of one hundred dollars, less the premium bid, for each share of stock held by said stockholder. *Provided:* that no loan shall be made by said corporation except to its own members, nor in any sum in excess of the amount of stock held by such members borrowing; and *provided* that such stockholder may borrow such fractional part of one hundred dollars as the by-laws may provide. Good and ample real estate security, unincumbered except by prior loans of such association's shall be given by borrower, to secure the repayment of the loan. *Provided:* however that the stock of such association may be received as security to the amount of withdrawal value of such stock.

Manner of loaning money.

Securities.

Failure to furnish security. Sec. 9. In case the borrower shall neglect to offer security, or shall offer security that is not approved by the board of directors by such time as the by-laws may prescribe, he shall be charged with one month's interest together with any expenses incurred, and the money may be resold at the next stated meeting. In case of non-payment of instalments interest or fines by borrowing stockholders for the space of six months, payment of principal and interest and fines without deducting the premium paid or the interest thereon, may be enforced by proceedings against their securities according to law, upon the order of the board of directors.

Manner of enforcing delinquent payments.

Repayment of loans. Sec. 10. A borrower may repay a loan at any time upon duly complying with the charter and by-laws in relation to repayment of loans.

Collections. Sec. 11. Corporations organized under this act being of the nature of co-operative associations, therefore no premium, fines, nor interest, on such premiums that may accrue to the said corporation according to the provisions of this act, shall be deemed usurious and the same may be collected as other debts of like amount are collected by law, in this Territory.

Sec. 12. No corporation or association created under this act shall cease or expire from neglect on the part of the cor-

poration to elect officers at the time mentioned in their charter and by-laws and all officers elected by such corporations shall hold their offices until their successors are duly elected and qualified. Failure to elect officers.

Sec. 13. Any loan or building association incorporated by or under this act is hereby authorized and empowered to purchase at any marshal's, sheriff's or judicial sale, or at any other sale public or private any real estate upon which such association may have or hold any mortgage, lien or other incumbrance and to sell, convey, lease or mortgage at pleasure to any person or persons whatever the real estate so purchased, but such association shall not have power to enter into as a business the buying and selling of real estate. May purchase real estate in certain cases.

Sec. 14. The certificate of incorporation shall be substantially in the following form:

CERTIFICATE OF INCORPORATION.

The Secretary of the Territory of Utah;

To all to whom these presents shall come greeting:

Whereas, a statement, duly signed and acknowledged, having been filed and recorded in the office of the clerk of the probate court of the county of _____ Territory of Utah, on the _____ day of _____ A. D. _____ for the organization of _____ building and loan association of _____ under and in accordance with the provisions of "An Act to enable associations of persons to become a body corporate to raise funds to be loaned only among the members of such associations approved the _____ day of _____ a certified copy of which has been filed in my office; and whereas, a license having been issued to _____ as commissioners to open books for subscription, to the capital stock of said company; and whereas; the said loan commissioners having on the _____ day of _____ A. D. _____ filed in the office of the clerk of said court, a report of their proceedings under said license in accordance with the requirements of the statutes, a copy of which license and report has been also filed in my office. Now therefore I _____ secretary of the Territory of Utah, by virtue of the powers and duties vested in me by law, do hereby certify that the said _____ building and loan association of _____ is a legally constituted and organized corporation under the laws of this Territory. Form of certificate.

In testimony whereof, I hereunto subscribe my name affix the seal of said Territory. Done at _____ this _____ day of _____ A. D. _____

[GREAT SEAL.]

Secretary of the Territory of Utah.

Sec. 15. This act shall take effect from the date of its approval.

Approved March 5, 1890.

CHAPTER XIII.

PENAL CODE.

AN ACT amending Section 4643 of the Compiled Laws of Utah of 1888, relating to the Penal Code.

Grand larceny.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Subdivision 3, of Section 4643 of the Compiled Laws of Utah of 1888, is amended by inserting after the word "calf" and before the word mule, the word "sheep."

Approved March 5, 1890.

CHAPTER XIV.

IRRIGATION COMPANIES.

AN ACT amending Section 2411 of the Compiled Laws of Utah of 1888 relating to Irrigation Companies.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2411 of the Compiled Laws of Utah of 1888 is hereby amended to read as follows:

Sec. 2411, s. 9. All subsequent elections for determining the rate of tax, shall be held annually on the first Monday in December, and for the election of company officers, biennially, on the same day, at such time and place within the district as shall be designated by the trustees, at which time the number of trustees may be changed by a two-thirds vote, to not less than three nor more than thirteen. Notice of said election shall be given and the election conducted and certificates thereof returned as provided in Section 4 of this act, and the officers elected shall give bonds as provided in Section 7 of this act: *Provided*, that if such election is not held at the time herein provided for the same may be held at any time within sixty days thereafter as may be designated by the trustees upon notice given as provided in Section 4 of this act. The rate of tax determined at said election by a majority vote shall be a law in such irrigation district, and shall constitute a permanent lien on the interest of the taxpayer in said canal or ditch and his right to the use of the water therein flowing from the day of assessment; but no tax created under this act shall create a lien upon the land. If any taxpayer shall fail to pay his proportion of the tax voted at said election within the time required by the by-laws the trustees may pro-

Elections, when held.

Notice.

Taxes become a lien.

ceed to sell the interest of such taxpayer in said canal or ditch and his right to the use of the water therein flowing as ^{to sell.} provided in Sections 2380 to 2392 both inclusive of the Compiled Laws of Utah of 1888 for the sale of delinquent stock.

Approved March 10, 1890.

CHAPTER XV.

DIVISION FENCES.

AN ACT to amend Section 2236 of the Compiled Laws of Utah of 1888, relating to division fences.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2236 of the Compiled Laws of Utah of 1888 is hereby amended by adding thereto the following: In all cases where a person has enclosed ^{Enclosure.} his land with a fence, and the owner of adjoining land desires to enclose such adjoining land with a fence so that the first fence or any part thereof will be made a partition fence between such tracts of land, the owner of such adjoining land must before making such enclosure pay to the owner of such ^{Pay to the owner.} fence one half of the value of all that part of such fence as will become a partition fence between such adjoining tracts of land, and when one party ceases to improve or cultivate his land or opens his enclosure, he must not take away any part ^{Shall not remove} of the partition fence belonging to him if the owner or occupant of such adjoining enclosure shall within thirty days after notice pay therefor the value of said fence: nor shall such partition fence be removed, when by so doing the crops enclosed by such fence will be exposed to destruction.

Approved March 10, 1890.

CHAPTER XVI.

CHANGING BOUNDARIES OF SANPETE AND SEVIER COUNTIES.

AN ACT attaching a part of Sevier County to Sanpete County.

SECTION. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that portion of Sevier county beginning at a point one mile north of the fourth standard parallel south on the section line between ranges five (5) and six (6) east, thence west to the east bank ^{Boundaries.} of the Sevier river, thence north along the east bank of said river to the southern boundry line of Sanpete county, thence east along said southern boundary line to the section line

between ranges five (5) and six (6) east, thence south to the place of beginning, is hereby made a part of Sanpete county.

Sec. 2. All laws in conflict with this law are hereby repealed.

Sec. 3. This act shall be in force on its approval.

Approved March 10, 1890.

CHAPTER XVII.

TERRITORIAL TREASURER.

AN ACT amending Section 10 of the Compiled Laws of Utah of 1888, relating to the Territorial Treasurer.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section ten (10) of the Compiled Laws of Utah, 1888, is amended to read as follows:

Duties

Sec. 10. The treasurer must receive and safely keep all funds belonging to the Territory and pay out the same only on warrants issued by the auditor of public accounts; he must keep an accurate account of all moneys and other funds received or disbursed by him; he must issue duplicate receipts keeping a memorandum stub for all money or other funds received by him, and deliver to the person paying the same the duplicate and present to and file with the auditor of public accounts the original receipt.

Sec. 2. This act shall take effect upon its approval.

Approved March 10, 1890.

CHAPTER XVIII.

CEMENT.

AN ACT to encourage the manufacture of Native or Portland Cements in Utah Territory.

Exemptions.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That to encourage the manufacture of native or Portland cements from raw material mined, excavated, or produced in Utah Territory, all lands, factories, buildings, implements and machinery of every kind whatsoever actually and in good faith employed either in the mining, excavating or producing of the raw material for or in the manufacture of native or Portland cements in said Territory, and the stock of any company incorporated for the purpose of, and actually and in good faith engaged in, the manufacture of native or Portland cements in this Territory, and the bonds and mortgages given to secure loans on the aforesaid property,

for the purpose of raising money to be used in carrying on such business, shall be exempt from taxation until the first day of January A. D. 1895.

Approved March 10, 1890.

CHAPTER XIX.

DESTRUCTION OF CERTAIN WILD ANIMALS.

AN ACT amending Sections 2114, 2115, and 2116 of the Compiled Laws of Utah 1888, relating to the destruction of certain wild animals and birds.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections 2114, 2115, and 2116 of the Compiled Laws of Utah, 1888, are hereby amended to read as follows:

Sec. 2114. s. 1. The several county courts within the respective counties of this Territory, are hereby authorized and empowered by an order made of record upon the minutes of such county court, to offer and pay rewards for the destruction of wild animals and English sparrows, within their respective counties, not to exceed one dollar each on lynxes, grey wolves and wild cats, fifty cents on coyotes and foxes, ten dollars on mountain lions and bears, two cents on jack rabbits and ground squirrels, ten cents on musk rats, minks and weasels, five cents on gophers, and one-half of one cent on English sparrows, as hereinafter provided. County courts authorized to offer rewards.

Sec. 2115. s. 2. The person or persons who shall hereafter kill any of the above named wild animals, or said birds, in order to receive the reward mentioned in Section 1 of this act shall produce the skin of such lynx, grey wolf, wild cat, coyote, fox, mountain lion or bear, or the head of such bird, or of any of the other animals mentioned in Section 1 of this act, not enumerated in this section, before the county clerk in and for any county aforesaid. Bounties.

Sec. 2116. It shall be the duty of such county clerk to diligently examine such person or persons, and such other witnesses as said county clerk may deem proper, on oath or affirmation, touching the time when, and place where such animal or bird was so taken and killed, and the circumstances thereof. If upon such examination the county clerk shall be satisfied that such animal or bird was taken and killed by the person or persons producing the skin of such lynx, grey wolf, wild cat, coyote, fox, mountain lion, or bear, or the head of such bird, or of any of the other animals mentioned in Section 1 of this act, not enumerated in this section, within the limits of the county for which said county clerk is qualified to act, he shall immediately cause such skin to be punched in the centre Evidence required. County clerk to examine witnesses. Skin to be punched.

of the neck part thereof, with the letters "B.P.," said letters to be not less than one inch in length and a proportionate width, or the head of such bird or animal to be destroyed, and shall issue a warrant on the treasury of said county for the reward offered, in accordance with the provisions of this act, to the person or persons producing such skin or head; *Provided*, That any person or persons must present not less than fifty heads of jack rabbits, ground squirrels or English sparrows, at any one time, to entitle them to the reward offered in accordance with the provisions of this act.

Approved March 10, 1890.

CHAPTER XX.

HIGHWAYS.

AN ACT to amend Section 2092 of the Compiled Laws of Utah of 1888, relating to Highways.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2092 of the Compiled Laws of Utah, of 1888 is hereby amended to read as follows:

Sec. 2092. s. 28. All penalties and forfeitures under this act, and not otherwise provided for, must be recovered by the supervisors of the respective road districts and within thirty days thereafter paid into the county treasury of their respective counties.

Approved March 10, 1890.

CHAPTER XXI.

INJUNCTIONS.

AN ACT amending Sections 3302 and 3303 and repealing Sections 3301 and 3304, of the Compiled Laws of Utah 1888, relating to injunctions.

SECTION. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 3302 of the Compiled Laws of Utah of 1888, is amended to read as follows:

Sec. 3302. s. 400. An injunction shall not be granted, except upon notice, or upon an order to show cause; but, in the meantime, the defendant may be restrained until the decision of the court or judge, granting or refusing the injunction is rendered. When an order to show cause is granted without notice, a copy of the pleadings and affidavits upon which it was allowed must be served with the order. An application for an injunction or order to show cause, may be made on verified pleadings, or on verified pleadings and affidavits, and the

application for the injunction may be heard upon the pleadings, affidavits and other evidence. Satisfactory cause must be shown for the issuance of the injunction or restraining order.

Sec. 2. That Section 3303 of the said Compiled Laws is amended by inserting after the word "granting" and before the word "an" in the first line of said section the words "a restraining order or."

Sec. 3. That Section 3301, and 3304 of said Compiled Laws are repealed.

Sec. 4. This act shall take effect upon its approval.

Approved March 10, 1890.

CHAPTER XXII.

BEES.

AN ACT amending Sections 2198, 2199 and 2200, of the Compiled Laws of Utah of 1888, relating to Bees.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That, Sections 2198, 2199 and 2200 of the Compiled Laws of Utah of 1888, are hereby amended to read as follows:

Sec. 2198. s. 4. Upon the complaint of any bee owner that in his opinion the disease known as foul brood exists among the bees of any person whether owner or custodian, it shall be the duty of the inspector to whom the complaint is made to immediately inspect the bees believed to be thus infected; and if such inspector finds that foul brood does exist among such bees, he shall immediately take charge, and control of them and at the expense of the owner, give them proper treatment for the cure of the disease. In such treatment he may destroy such portions of the bees and brood, and of the hives and contents as may be necessary.

Foul brood.
Duty of inspector.
May destroy diseased bees or brood.

Sec. 2199. s. 5. If the owner or person in charge of bees infected with foul brood shall fail to make arrangements acceptable to the inspector for his compensation and the necessary expenses to be incurred in the treatment and cure of the bees which shall in no case exceed three dollars per day and actual expenses then the inspector shall immediately wholly destroy the hives and bees so infected by burning or burying the same.

Compensation of inspector.

Sec. 2200. s. 6. If any person shall by threats of violence, or in any other manner prohibit a duly appointed bee inspector from inspecting, taking charge of, treating or destroying bees, as provided in this act, on conviction thereof before the nearest justice of the peace of the precinct in which said bees are kept, he shall be fined in any sum not less than five nor more than twenty-five dollars for the first offence and for each additional offence he shall be liable to a fine not to exceed fifty dollars.

Penalty for resisting inspector.

Approved March 10, 1890.

CHAPTER XXIII.

INTEREST.

AN ACT amending Section 2119 of the Compiled Laws of Utah, of 1888, relating to Interest.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That, Section 2119 of the Compiled Laws of Utah 1888 is hereby repealed, and the following enacted in lieu thereof:

Section 2119. Hereafter it shall be lawful to take eight per cent interest per annum, when the amount of interest has not been specified or agreed upon. But parties may agree in writing for the payment of any rate of interest whatever on money due, or to become due on any contract. Any judgment rendered on such contract shall conform thereto, and shall bear the interest agreed upon by the parties and which shall be specified in the judgment.

Sec. 2. All laws in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1890.

CHAPTER XXIV.

REGULATING MARRIAGE.

AN ACT amending Section 2591 Compiled Laws of Utah of 1888 regulating Marriage.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2591 of the Compiled Laws of Utah of 1888, be and the same is hereby amended by striking out in line 8 in said section the words "the clerk" and inserting in lieu thereof the following "any officer authorized by law to administer oaths. *Provided*, that whenever such oath shall be administered and certified by a justice of the peace or other officer having no seal and residing outside of the county within which the license is to be issued, such oath and consent shall not be received or filed, unless the signature and official capacity of the officer so administering and certifying such oath, shall be certified by the clerk of the county court of the county in which the officer so certifying resides, and attested by the seal of the county court."

Sec. 2. This act shall take effect upon its approval.

Approved March 10, 1890.

CHAPTER XXV.

CONTRACTS.

AN ACT providing for the discharge of Contracts affecting Real Estate.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any contract, agreement or bond for the sale of real estate or any interest therein, now recorded, or which may be hereafter recorded in the office of any county recorder in this Territory may be satisfied and discharged by entry in the margin of the record signed by the party or parties in interest, their assigns or legal representatives, and attested in the same manner as mortgages are satisfied and discharged and such entry shall have the same effect as a deed of release duly acknowledged and recorded.

Agreements, etc.,
may be satisfied by
marginal entry in
records.

Sec. 2. This act shall take effect from its approval.

Approved March 11, 1890.

CHAPTER XXVI.

UNIVERSITY.

AN ACT amending Section 1835 of the Compiled Laws of Utah of 1888, relating to University.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1835 of the Compiled Laws of Utah of 1888 is amended by adding to said section, the following: The chancellor and regents shall each receive mileage at the rate of ten cents per mile, one way only, for the distance necessarily traveled in attending the meetings of the board of regents, and the secretary and treasurer shall be allowed such compensation for their services as the board may determine; all such mileage and compensation shall be paid out of any moneys appropriated for the maintenance of the University.

Mileage and com-
pensation of officers

Sec. 2. This act shall take effect upon its approval.

Approved March 11, 1890.

CHAPTER XXVII.

RELEASE OF DOWER.

AN ACT amending Sections 2531, 2532 and 2533 of the Compiled Laws of Utah, 1888, providing for the Release of Dower.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections 2531, 2532 and

2533 of the Compiled Laws of Utah, 1888, be and the same are hereby amended as follows:

Sec. 2531 of said Compiled Laws is amended to read as follows:

Sec. 2531. s 1. In any conveyance of, or encumbrance upon real property, by deed or encumbrance of the husband, the wife or her attorney in fact, may join with the husband, or his attorney in fact, in such deed or encumbrance, and her so joining her husband in such deed or encumbrance shall transfer and convey any and all rights of dower she may have in the property conveyed or encumbered in or by such deed or encumbrance whether the deed or encumbrance states that it is given for the purpose of releasing conveying, or encumbering her right of dower or not; but to be valid the signature of the wife or her attorney in fact, as the case may be, must be witnessed, and she, or her attorney in fact, as the case may be must acknowledge the execution thereof before some officer authorized to take such acknowledgment, in the same manner as an unmarried woman.

Conveyance or encumbrance.

The signature must be witnessed.

Section 2532 of said Compiled Laws is amended to read as follows:

Sec. 2532. s. 2. A married woman may join in a power of attorney with her husband for the encumbrance, release or conveyance of lands, or of any interest therein, or if she so desires she may appoint him or any other person to be her attorney in fact, for such purpose; and said power of attorney shall be witnessed by at least one credible witness; acknowledged in the manner provided by law, and shall be entitled to record.

• rs of attorney.

Section 2533 of said Compiled Laws is amended to read as follows:

Sec. 2533. s. 3. That all instruments in writing which have been executed and acknowledged by married women or by their husbands or other persons acting under powers of attorney, as the attorneys in fact of such married women, before any officer authorized by the laws of this Territory to take acknowledgments to instruments in writing affecting the title to real property in this Territory since the second day of March 1887 and which purport to have been so executed and acknowledged for the purpose of encumbering, releasing or conveying their rights of dower in the real property described in such instruments and all such instruments wherein the wife or her attorney in fact has executed and acknowledged an encumbrance, release or conveyance with her husband or his attorney in fact, as the case may be and such instrument purports to convey all their interest in the property described in such instrument, without referring to her right of dower shall be regarded and considered as a sufficient and proper encumbrance, release, or conveyance, as the case may be, of the right of dower of such married woman in such

Instruments executed since March, 1887, validated.

property and all such instruments are hereby declared valid and effectual in all respects for such purposes.

Sec. 2. This act shall take effect upon its approval.

Approved March 11, 1890.

CHAPTER XXVIII.

IRRIGATION.

AN ACT to protect Irrigation Companies.

SECTION 1. *Be enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any person or company who shall raft or float timber or wood down any river or stream of this Territory shall not allow such timber or wood to accumulate at or obstruct the water gates owned by any person or irrigation company taking or diverting the water of said river or stream for irrigation or manufacturing purposes.

To prohibit floating timber from obstructing water gates.

Sec. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Sec. 3. This act shall take effect upon its approval.

Approved March 11, 1890.

CHAPTER XXIX.

FISH AND GAME COMMISSIONERS.

AN ACT to provide for the protection of Fish and for the appointment of Territorial and County Commissioners.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the governor of the Territory shall nominate and by and with the advice and consent of the Legislative Council appoint a territorial fish and game commissioner who shall be a resident citizen of this Territory, whose term of office shall be four years and until his successor is appointed and qualified: *Provided*, that when a vacancy occurs in the office of said commissioner and the Legislative Council is not in session the governor shall have power to fill such vacancy.

Appointment.

Term of office.

Sec. 2. The said territorial commissioner shall receive an annual salary of five hundred dollars. He shall before entering upon the duties of his office, take and subscribe to an oath of office and give a bond in the penal sum of five thousand dollars for the faithful performance of his duties. Such bond shall be approved by and filed with the secretary of the Territory.

Salary.

Bond.

Duties of Territorial
Commissioner.

Sec. 3. The territorial commissioner shall have control and supervision of the public waters for the collection, propagation, culture and distribution of fish in Utah Territory and shall distribute all fish, fish fry and spawn coming into his hands, fairly and equitably among the several counties or otherwise as the said commissioner and the county commissioners may determine. He shall have full control of all property of the Territory obtained or held for the purpose contemplated by this act.

He shall receive all fish, fish fry and spawn donated to this Territory from any source, whatever and also all fish, fish fry and spawn that may be purchased by this Territory.

Statement.

He may establish hatching boxes for the preservation and hatching of spawn and in the most economical and practical manner procure and distribute fish and fish fry to the public waters of this Territory. He shall make a detailed statement or report of his official transactions, including expenditures and the purpose for which the same were made, also the number and kinds of fish distributed and the locality and names of the streams, ponds or lakes where the same have been placed and submit such report to the Legislature during the first week of its regular session.

Appointment of
County Commis-
sioners.

Sec. 4. The county court of each county of this Territory shall appoint a fish and game commissioner, whose term of office shall be four years, and until his successor shall be appointed and qualified. Said county commissioner shall before entering upon the duties of his office, take and subscribe to an oath of office, and give a bond in the penal sum of one thousand dollars for the faithful performance of his duties, said bond shall be approved by the probate judge and filed in the office of the clerk of the county court.

Bond.

Compensation.

Duties.

Reports.

Fines.

The county commissioner shall receive such compensation as shall be determined by the county court, to be paid out of the county treasury, and shall perform his duties under the direction of the county court. It shall be the duty of the county commissioner to see that all laws of this Territory for the protection of fish and game are faithfully enforced and shall report his doings to the county court semi-annually. All fines and forfeitures for violations of the provisions of this act shall be paid into the county treasury of the county wherein the offence shall have been committed.

Fish may be taken
for propagation.

Reports.

Sec. 5. The said commissioners by authority of the territorial commissioner may take or cause to be taken from the public waters within their respective counties at any time or in any manner any kind of fish for the purpose of propagation or inspection. Each of said county commissioners shall make a detailed report of his official doings to the territorial commissioner during the first week of December of each year.

Section 6. The owner or owners of any dam erected

across any of the streams in this Territory, shall if required by the said county commissioners build, erect and maintain at all times at his or their expense suitable fishways to allow the free and uninterrupted passage of fish up and down such stream.

Fishways may be ordered.

Sec. 7. It shall be unlawful for any person or persons to catch, kill or take any imported fish from the public waters in any county of this Territory for the period of four years from the passage of this act, unless duly authorized by the joint concurrence of the territorial commissioner and the commissioner of said county.

Imported fish protected for four years

Sec. 8. It shall be unlawful for any person to take any trout from the public waters of this Territory by any means or device whatsoever except by means of hook and line commonly known as angling and that only between the fifteenth day of June of each year and the fifteenth day of February following, *Provided*, that where the waters of any river or mountain stream are diverted from the natural channel of such river or stream into a canal or irrigation ditch for the purpose of irrigating lands, the taking of fish from such canal or ditch shall not be unlawful.

Trout, when and how they may be caught.

Proviso.

Sec. 9. It shall be unlawful for any person to sell, take, kill destroy or have in his possession any trout less than six inches long, or any trout whatever that is taken unlawfully.

Trout less than six inches long must not be taken.

Sec. 10. It shall be unlawful for any person to kill or take any fish from the public waters of this Territory by the use of any poison, deleterious drug, or by the use of giant powder, quick lime, or any other explosive substance, or by the erection of any weir, dam or other artificial obstruction or by the use of any net, sieve or device whatsoever which can or may be used for the unlawful taking of fish *Provided*, that seines not more than two hundred yards long and twelve feet wide with meshes not less than one and one-half inches square for fifty yards in the centre and meshes not less than two inches square in the wings thereof may be used in Green River at all seasons of the year and in Bear and Utah Lakes between the first day of October of each year and the first day of March following.

Unlawful killing of fish.

Seines may be used in certain places.

Sec. 11. All seines, nets, boats or tackle of any kind found in possession of any person who may be found unlawfully taking fish from any of the public waters of this Territory, shall be seized by the officer making the arrest and, if it appears from the evidence before the magistrate trying the cause that the seines, nets, boats or tackle were used or were about to be, or intended to be used for the unlawful taking of fish, the same are hereby confiscate and shall be by the order of the magistrate taken and destroyed.

Seines, etc., for unlawfully taking fish shall be destroyed.

Sec. 12. It shall be unlawful for any person to export dead or living fish caught in any of the public waters of this Territory.

Fish must not be exported from the Territory.

Territory to any point outside of this Territory for either consumption or sale.

Sec. 13. The sum of one thousand dollars is hereby appropriated out of any money in the territorial treasury not otherwise appropriated to pay the salary of the said territorial commissioner for the years 1890 and 1891.

Sec. 14. The sum of five thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the territorial treasury not otherwise appropriated to be expended by the territorial fish and game commissioner for the purchase of a suitable site for establishing and maintaining a territorial fish hatchery, hatching boxes, nursery and breeding ponds and to pay the contingent expenses of the office of the territorial fish and game commissioner for the years 1890 and 1891.

Sec. 15. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 16. One half of all fines collected under the provisions of this act shall be paid into the county treasury of the county in which trial may be had and the other half paid to the officer making the arrest.

Sec. 17. All laws in conflict with this act are hereby repealed.

Sec. 18. This act shall take effect upon its approval.

Approved March 11, 1890.

CHAPTER XXX.

LIENS FOR MECHANICS AND OTHERS.

AN ACT to secure Liens to Mechanics and others, and to repeal all other acts and laws in relation thereto.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That whoever shall do work or furnish materials by contract, express or implied, with the owner of any land, to any amount, for the construction, enlargement, alteration or repair of any building or other structure upon such land or in making any other improvements, or in doing any other work upon such land as stated in following sections shall have a lien upon such land, building, structure and other improvement for the amount and value of the work so done, or materials so furnished to the extent of the interest or claim of such owner thereto at the time of the commencement to do such work or to furnish such materials.

Said lien shall likewise attach to another or greater interest in any of such property acquired by such owner at any time subsequent to such commencement to do work or to furnish materials and before the establishment of said lien by

Appropriation for
commissioner's
salary.

Appropriation for
fish hatcheries, etc.

Penalties.

Disposal of fines
collected.

Who may secure
liens.

Lien may be in-
creased.

process of law. For the purposes of this act the term work shall be deemed to include labor of every kind, whether skilled or unskilled, and for said purposes, except when otherwise indicated, any person having an assignable, transferable or conveyable interest or claim in or to any land, building, structure or other property mentioned in this act, shall be deemed an owner. Any person rendering personal services for wages or otherwise, or by the use of machinery, teams or otherwise, shall be deemed a contractor or sub-contractor in either degree, as the case may be, as well as any person doing work by the job or piece.

Work defined.

Owner defined.

Contractors.

Sec. 2. Whoever shall do work or furnish materials by contract, express or implied, with the principal contractor mentioned in the preceding section, to any amount, for any of the purposes mentioned in the preceding section shall be deemed a sub-contractor in the first degree, and shall have a lien upon any and all such property in like manner as said contractor.

Sub-contractors in the first degree.

Sec. 3. Whoever shall do work or furnish materials by contract express or implied, with a sub-contractor in the first degree, to any amount for any of the purposes mentioned in Section 1 of this act, shall be deemed a sub-contractor in the second degree, and shall have a lien upon any or all such property in like manner as said principal contractor.

Sub-contractors in the second degree.

Sec. 4. The provisions of the three preceding sections shall be limited in their application to the kinds of property indicated in the following sections of this act, and any party claiming a lien to secure the benefits of this act, must comply with the provisions thereof.

Limitation.

Sec. 5. The provisions of this act shall apply to all persons who shall do work or furnish materials for the construction, enlargement, alteration or repair of any building or other structure upon any land in this Territory or for any other improvement thereon.

Buildings.

Sec. 6. The provisions of this act shall apply to all persons who shall do work or furnish materials for the construction, extension, enlargement, alteration or repair of any railroad, tramway, wagon road, toll road, canal, bridge, wharf, water ditch, flume, aqueduct or reservoir.

Railroads, etc

Sec. 7. The provisions of this act shall apply to all persons who shall do work or furnish materials for the working or development of any mine, lode, mining claim or deposit yielding metals or minerals of any kind, or for the working or development of any such mine, lode or deposit in search of such metals or minerals; and to all persons who shall do work or furnish materials upon any shaft, tunnel, incline, adit, drift or other excavation, designed or used for the purpose of draining or working any such mine, lode or deposit. Said lien shall attach in every case to such mine, lode and deposit, and to such shaft, tunnel, incline, adit, drift or other excavation,

Mines.

When lien does not attach.

though such shaft, tunnel, incline, adit, drift or other excavation be not within the limits of such mine, lode or deposit, *Provided*, that when two or more such mines, lodes or deposits owned or claimed by the same person or persons, shall be worked through a common shaft, tunnel, incline, adit, drift or other excavation, then all the mines, lodes or deposits so worked shall, for the purposes of this act, be deemed one mine; *and, provided further*, that this section shall not be deemed to apply to the owner or owners of any mine, lode, deposit, shaft, tunnel, incline, adit, drift or other excavation when the same shall be worked by a lessee.

Surveyors and engineers.

Sec. 8. The provisions of this act shall apply to surveyors, civil and mining engineers doing any work of surveying or platting of any mines, mining claims, lodes or mineral deposits, and they shall have like lien and claim as other persons under the provisions of this act.

Water rights and rights of way.

Sec. 9. Said lien shall likewise attach to rights of water and rights of way that may in any manner pertain to any kind of property hereinbefore specified and to which such lien attaches. In case of corporations said lien shall attach to all the franchises and charter privileges that may in any manner pertain to said specified property.

Statement of claimant.

Sec. 10. Any party claiming a lien shall file in the office of the recorder of the county wherein said land is situated a statement containing:

First. A notice of intention to hold and claim a lien.

Second. A description of the property to be charged therewith.

Abstract.

Third. An abstract of indebtedness showing the whole amount of debt, the whole amount of credit, and the balance due, or to become due, to the claimant, which abstract of indebtedness shall be verified by the claimant or by some other person in his behalf to the best knowledge, information and belief of the affiant. In case two or more persons claim an interest in the same lien and claim, it shall be sufficient for one of such persons, or some other person in their behalf, to verify such abstract of indebtedness, and the signature of any such affiant to any such verification shall be a sufficient signing of such statement.

When contractors must file statement.

Sec. 11. In case of the principal contractor or any assignee thereof, said statement shall be filed within sixty days after the time when the last work shall have been done, or the last materials shall have been furnished by such contractor.

Sub-contractors statement.

In case of a sub-contractor of either degree, or of any assignee thereof, said statement shall be filed within forty days after the time when the last work shall have been done, or the last materials shall have been furnished by such sub-contractor.

Sec. 12. Any sub-contractor of either degree who shall intend to do work, or to furnish materials for which such lien

is given, may file in the office of the recorder of such county wherein said land is situated a statement containing: Preliminary statement.

First. A notice of intention to hold and claim a lien.

Second. A description of the property to be charged therewith.

Third. The probable value of the work to be done and the probable value of the materials to be furnished as near as may be. Said statement may be filed before he begins to do such work or to furnish such materials. Likewise he may file such statement at any time after he begins to do such work, or to furnish such materials, and before the completion of his undertaking under the contract.

From the time he shall have filed such statement, he shall have a lien for such work thereafter done by him, or for such materials thereafter furnished by him not exceeding the sum stated as the probable value thereof. In case any such party claiming a lien shall have done work or furnished materials before the filing of such statement, he may include in such statement a statement of the value, or probable value, of the work already done and material furnished, as near as may be, for which said last named values to the extent of the sum mentioned, said lien shall likewise attach. Every such statement last mentioned shall have endorsed upon it the affidavit Endorsement. of the party claiming such lien that he claims such lien in good faith. In case two or more persons claim an interest in the same lien and claim, it shall be sufficient for one of such persons to make said affidavit, and the signature of any such affiant to such affidavit shall be a sufficient signing of such statement.

Sec. 13. It shall be the duty of said recorder to file either of said statements, or both, when the same shall have been presented for filing, and record the same in a separate book (one book provided for that purpose may do for both kinds of statements) and from the time of such filing all persons shall be deemed to have notice of such statements. Recorder to file and record statement.

Sec. 14. It shall be sufficient to address either of said statements to all whom it may concern, and any informality in any such statement that shall not tend to mislead shall not affect the validity thereof. No incorrect estimate in any such statement of the amount due or to become due, or of any probable value, shall affect the validity of any such statement, unless such incorrect estimate be made in bad faith. But the filing of the statement lastly described shall not dispense with the requirement of filing the statement firstly described in Section 10. Address.

Sec 15. Upon the filing of the firstly described statement and service of a copy thereof upon the owner or upon the filing of the secondly described statement and service of a copy thereof upon the owner by any such sub-contractor, the payment to the contractor of so much money as is claimed to Errors do not affect validity.

Owner to retain amount of lien until claim is satisfied.

be due or to become due in any such statement for such work or materials, and such money as the stated probable value of such work or materials, shall be deemed to be enjoined in the hands of the owner, and it shall be his duty to hold the same, whether then due or thereafter to become due to the contractor, for the benefit of the party claiming under such statement, until the right of the party so claiming to receive the amount claimed if the same be contested shall have been legally adjudged or until such lien shall have been ended by expiration of time, or shall have been otherwise satisfied.

Limit of owner's responsibility.

Sec. 16. Any such claim of any sub-contractor that shall be established under this act, by the judgment or decree of court shall, to the full amount thereof, be a valid set-off in favor of such owner and against the contractor, but in no event shall claims of sub-contractors adjudged to be due as aforesaid and costs of adjudication be a lien upon the property to any greater extent than the indebtedness of said owner to the contractor.

Sub-contractor's responsibility.

In case of sub-contractors in the second degree no such claims of such last named sub-contractors so adjudged to be due shall be a lien upon the property to any greater extent than the indebtedness of the original contractor to the sub-contractor in the first degree; but in said last named case, no payment made by the contractor to the sub-contractor in the first degree, after the filing of either of said statements, shall affect the amount of the lien of the sub-contractor in the second degree.

Continuous work.

Sec. 17. In case the act of doing such work or of furnishing such materials shall be continuous, said lien shall attach as in other cases, even though such work shall have been done or materials shall have been furnished under two or more contracts between the same parties.

Lands, when subject to lien.

Liens on mines.

Building lots.

Machinery, etc.

Sec. 18. In the case of lands occupied by any such building, structure, building lot, railroad, tramway, wagon road, toll road, canal, bridge, wharf, water ditch, flume, aqueduct or reservoir, mine, mining claim, lode or deposit, shaft, tunnel, incline, adit, drift or other excavation so much of such lands as may be necessary for the convenient use and occupation of any such building, structure or any other improvement or thing hereinbefore enumerated in this act, shall be subject to the liens hereinbefore provided for. In case of a mine, mining claim or lode, except as otherwise provided, said lien shall attach to the whole thereof or to so much thereof as said owner shall have an interest in. In case any such building shall occupy two or more lots or other subdivision of land, such several lots or other subdivisions of land shall be deemed one lot for the purpose of this act, and the same rule shall hold in cases of any other such improvements that shall be practically indivisible. Said lien shall attach to all machinery and other fixtures used in connection with any such lands, build-

ings or structures. When the lien is for work done or material furnished for an entire structure, erection or improvement, such lien shall attach to the building, erection or improvement for or upon which such work was done or materials furnished.

Buildings, when
subject to lien.

Sec. 19. All such liens shall relate back to the time of the commencement to do work or to furnish materials and shall have priority over any and every lien or encumbrance subsequently intervening, or which may have been created prior thereto, but which was not then recorded, and of which the lienor under this act had no notice. Nothing herein contained shall be construed as impairing any valid encumbrance upon any such land duly made and recorded before such work was commenced, or the first of such materials were furnished. No attachment, garnishment, or levy under execution upon any money due a contractor from the owner of any such property, subject to any such lien, shall be valid as against such lien of a sub-contractor, and no such attachment, garnishment or levy upon any money due a sub-contractor of the first degree from the contractor shall be valid as against any such lien of a sub-contractor in the second degree.

Priority of liens.

Valid encumbrances
not affected.

When attachments,
etc., are valid

Sec. 20. In every case in which different liens are claimed against any property, the rank of each lien or class of liens as between the contractor and sub-contractors, shall be declared in the decree or judgment in the following order named;

Rank of liens.

First; Sub-contractors in the second degree.

Second, Sub-contractors in the first degree.

Third; The original contractors. And the proceeds of the sale of the property to which such liens shall have attached must be applied to each lien or class of liens in the order of its rank.

Sec. 21 No lien claimed by virtue of this act shall hold the property longer than one year after filing the statement firstly described in Section 10, unless an action be commenced within that time to enforce the same.

When lien expires.

Sec. 22. Any number of persons claiming liens and not contesting the claims of each other may join as plaintiffs in the same action, and when separate actions are commenced, the court may consolidate them upon motion of any party in interest or upon its own motion. Upon such procedure for consolidation, one case shall be selected with which the other cases shall be incorporated, and all the parties to such other cases shall be made parties defendants in said case so selected. All persons having claims for liens, the statements of which shall have been filed as aforesaid, shall be made parties to the action. Those claiming liens or who fail or refuse to become parties plaintiff, or for any reason shall not have been made such parties shall be made parties defendant. Any party claiming a lien not made a party to such action

Consolidation of
claims.

When claimants
become defendants.

may, at any time before the trial of the action or before the final hearing of the case by the court, be allowed to intervene by motion, upon cause shown, and may be made a party defendant on the order of the court. The court shall fix the time for such intervenor to plead or otherwise proceed. The pleadings or other proceedings of such intervenor, thus made a party shall be the same, as though he had been an original party. Any such defendant, by way of answer, shall set forth by cross complaint his claim and lien. Likewise such defendant may set forth in said answer defensive matter to any claim or lien of any plaintiff or co-defendant, or otherwise deny such claim or lien. Any such defendant may, by his answer, set up that there are other persons who claim liens upon the property described, naming them, and asking that they be summoned to appear and maintain the same. Thereupon an amended summons shall issue in like form as the original, but so modified as to make the persons so named in the answer parties defendant in addition to the other defendants. Said last named summons shall be served upon such new defendants as in other cases. The owner of the property to which such lien shall have attached shall be made party to the action.

Sec. 23. It shall be sufficient to allege in the complaint in relation to any party claiming a lien, whom it is desired to make a defendant, that such party claims a lien under this act upon the property described.

Sec. 24. In case of the intervention of parties or of the making of new parties, or of the consolidation of actions so that the issues are in any manner changed or increased, any party to the action shall be allowed to amend his pleadings or file new pleadings, as the nature of the case may require.

Sec. 25. The court may proceed to hear and determine said liens and claims, or may refer the same to a referee to ascertain and report upon said liens and claims, and the amounts justly due thereon. Judgments shall be rendered according to the rights of the parties. The various rights of all the lien claimants, and other parties in any such actions, shall be determined and incorporated in one judgment or decree. Each party who shall establish his claim under this act shall have a judgment against the party personally liable to him for the full amount of his claim so established, and shall have a lien established and determined in said decree upon the property to which his lien shall have attached to the extent hereinbefore stated.

Sec. 26. The court shall cause said property to be sold in satisfaction of said lien and costs of suit, as in the case of foreclosures of mortgages, and any party in whose favor a judgment for a lien may have been rendered, may cause the property to be sold within the time and in the manner provided for sales on executions issued out of any court of record, and the owner and creditor shall have a right of redemption, as is provided in the case of sales on execution. And if the proceeds of

Intervenor.

Defendant's
answer.

Summons.

Complaint.

Pleadings may be
amended.Trial before court
or referee.

Judgment.

Sale of property.

Right of redemp-
tion.

such sale, after the payment of costs, shall not be sufficient to satisfy the whole amount of such liens included in the decree of sale, then such proceeds shall be apportioned according to the rights of the several parties. In case the proceeds of sale amount to more than the sum of said liens and all costs, then the remainder shall be paid over to the owner of said property, and each party whose claim is not satisfied in the manner hereinbefore provided, shall have execution for the balance unsatisfied against the party personally liable, as aforesaid, to said party so obtaining executions. In the first instance, without a previous sale of said property to which such liens shall have attached, an execution may issue in behalf of any such lien claimed for the full amount of his claim against the party personally liable. A transcript of the docket of said judgment and decree may be filed with the recorder of the county where such property is situated; said judgment and decree shall become a lien upon the real property of each party so personally liable in favor of any such lien claimant holding any such judgment against any party so personally liable.

Apportionment of proceeds.

Remainder.

Execution.

Filing of transcript.

Costs.

Assign ment of claim.

Statement.

Forfeiture of rights.

Acknowledgment of claimant.

Sec. 27. The court shall divide the costs between the parties liable therefor according to the justice of the case but in no case shall any costs be taxed against the owner, so far as the costs of sub-contractor in the first and second degree are concerned. The costs of filing and recording said statement shall be taxed as a part of the cost.

Sec. 28. Any party claiming a lien may assign his claim and lien to any other claimant or other person, who shall thereupon have all the rights and remedies of the assignor. The purpose of the enforcement of any such lien by action under this act shall be a sufficient consideration as to all other parties for the purposes of such action. Such assignment may be made before or after the filing of the statement mentioned in said Section 10. Any such claimant, whether as assignee or otherwise, may include all of said liens he may possess in any such statement, and when more than one such claim shall be included in one such statement, one verification thereto shall be sufficient. Any person may file a separate statement of two or more claims of the same class.

Sec. 29. If any person shall file either of said statements for a lien for a larger sum than is due, or to become due, in fact or in probability, as the case may be, with intent to cheat or defraud any other person, and that fact shall appear in any proceedings under this act, such person shall forfeit all rights to such lien under this act.

Sec. 30. The claimant of any such lien the statement of which has been filed as aforesaid, on the payment of the amount thereof, together with the costs of filing and recording such lien, and the acknowledgment of satisfaction, shall at the request of any person interested in the property charged therewith, enter, or cause to be entered, an acknowledgment

of satisfaction of the same of record; and if he shall neglect or refuse to do so within a reasonable time after request of any person so interested, he shall forfeit and pay to said person the sum of twenty dollars for every day of such neglect, or refusal, to be recovered in the same manner as any other debts. A valid tender of such payment refused by any such claimant shall be equivalent to a payment for the purposes of this section. Any such statement may be cancelled of record in the same manner as mortgages. Any person who shall file such statement setting forth his intent to do such work or furnish such materials and shall fail to commence to do such work or to furnish such material, without delay, shall at his own expense cause such statement to be released of record, and if he shall neglect or refuse to do so within five days after the request of any person so interested, he shall forfeit and pay to said person so interested the sum of twenty dollars for every day of such neglect or refusal, to be recovered in the same manner as other debts.

Sec. 31. No remedy given in this act shall be construed as preventing any person from enforcing any other remedy which he otherwise would have had, except as otherwise herein provided. The practice under this act shall be in accordance with the code of civil procedure of this Territory.

Sec. 32. All acts and parts of acts inconsistent with the provisions of this act, and Sections 3806 to Section 3820 both inclusive of the Compiled Laws of Utah 1888, are hereby repealed; *Provided* that the repeal of said acts or part of acts, or any of them, shall not affect any right or remedy nor abate any suit or action or proceeding existing, instituted or pending under the laws hereby repealed.

Sec. 33. This act shall take effect upon its approval.

Approved March 12, 1890.

CHAPTER XXXI.

BOUNTIES.

AN ACT to encourage Manufactures and paying Bounty therefor.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That there shall be paid out of the territorial treasury to any corporation, firm or person engaged in the manufacture of iron in this Territory from ores mined in Utah, a bounty of two dollars per ton upon each and every ton of iron so manufactured under the conditions and restrictions of this act.

Sec. 2. That there shall be paid out of the territorial treasury to any corporation, firm or person engaged in the manufacture of cast iron pipe or lap-welded wrought iron pipe

or tubing in this Territory from raw material manufactured in Utah, a bounty of five dollars per ton on each and every ton of cast iron pipe or lap-welded wrought iron pipe or tubing so manufactured under the conditions and restrictions of this act.

Sec. 3. That there shall be paid out of the territorial treasury to any corporation, firm or person engaged in the manufacture of sugar in this Territory, from sorghum, beets Sugar. or other sugar bearing plants grown in Utah, a bounty of one cent per pound upon each and every pound of sugar so manufactured under the conditions and restrictions of this act.

Sec. 4. That there shall be paid out of the territorial treasury to any corporation, firm or person engaged in the manufacture of rope and twine in this Territory, from hemp, Rope and twine. okra or other suitable plant grown in Utah, a bounty of one cent per pound upon each and every pound of rope or twine so manufactured under the conditions and restrictions of this act.

Sec. 5. No bounty shall be paid upon any iron which is not suitable for manufacturing purposes, nor upon any cast iron pipe or lap-welded wrought iron pipe or tubing which is not perfectly made and merchantable at such prices as imported pipe of same sizes is sold in this market, nor upon any sugar When bounties shall not be paid. that does not contain at least ninety (90) per cent of crystallized sugar, nor upon any rope or twine, which is not merchantable at such prices as imported rope and twine of same weight and sizes are sold in this market.

Sec. 6. The quantity and quality of the articles upon which bounty is claimed shall be determined by the secretary of the Territory, with whom all claimants shall, from time to time, file verified statements, showing the quantity and quality Quantity and quality, how determined. of the articles manufactured by them, and upon which such bounty is claimed, and the specified dates upon which said articles were made. Upon receipt of said verified statements said secretary shall file and record the same in his office, and upon presentation to him of duplicate bills of sales actually made duly sworn to by the manager or superintendent of the factory where such articles have been made, after comparing said duplicate bills of sale with the statements previously filed in his office the said secretary shall certify the same to the territorial auditor, who shall draw a warrant upon the territorial treasurer for the amount due thereon, payable to the party or parties to whom the said sums are due.

Sec. 7. The compensation or fee for said services shall not exceed one per cent. of the amount of bounty claimed, which Fees and expenses. cost, and the cost of any or all analyses that the secretary shall require to be made, shall be borne and paid by the claimants of said bounty.

Sec. 8. No bounty shall be paid upon iron unless the corporation, firm or person claiming it shall first have erected a

Costs and capacity
of factories entitled
to receive bounty.

plant for its manufacture costing not less than one hundred thousand dollars, and having a capacity of manufacturing twenty tons of pig iron per day. No bounty shall be paid upon cast iron pipe or lap-welded wrought iron pipe or tubing, unless the corporation, firm or person claiming it shall first have erected a plant for its manufacture costing not less than thirty-five thousand dollars and having a capacity of manufacturing ten tons of pipe per day. No bounty shall be paid upon sugar unless the corporation, firm or person claiming it shall first have erected a plant for its manufacture, costing not less than two hundred thousand dollars, and having a capacity of manufacturing fifteen tons of sugar per day. No bounty shall be paid upon rope or twine unless the corporation, firm or person claiming it shall first have erected a plant for their manufacture costing not less than twenty thousand dollars, and having a capacity of manufacturing one thousand pounds per day.

Appropriation.

Sec. 9. The provisions of this act shall extend through the years 1890 and 1891, and the sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for said bounties, *Provided* that not more than fifteen thousand dollars shall be drawn the first year; and, *provided further*, that if no bounty is claimed on any one of the aforementioned articles in the year 1890, the provisions of this act shall extend, so far as that article is concerned, through the year 1892. After aggregate bounties have been allowed by the secretary of the Territory upon the articles herein named, to the amount of thirty thousand dollars (\$30,000), no further bounty shall be allowed or paid by the Territory during the term prescribed in this act.

When payment of
bounties shall cease

Approved March 12, 1890.

CHAPTER XXXII.

TRAIN DISPATCHERS.

AN ACT requiring Railroad Companies and Train Dispatchers to make public the time of departure of trains.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That it shall be the duty of each and every train dispatcher of the several railroad companies now or hereafter running passenger trains in this Territory to cause to be made public by the station agent at every telegraph station within his respective jurisdiction, not less than fifteen minutes before the schedule time of departure of each train carrying passengers, the time of such departure, on a bulletin board placed in a conspicuous and public place at such station. If from any cause the departure of any such

Train bulletins.

train is delayed the probable duration of such delay shall at once be so bulletined.

Sec. 2. Every train dispatcher failing to furnish the information required in the preceding section to the station agent at every telegraph station within his jurisdiction, and every such station agent failing to make public the information so furnished as herein provided is guilty of a misdemeanor. Penalty for failure or neglect.

Sec. 3. Each and every company or corporation running and operating railway trains and carrying passengers within this Territory shall instruct and cause every train dispatcher or other officer in its employ having the managements or control of the moving of passenger trains to make public in the manner provided in Section 1 of this act the information required therein. A failure so to do shall make the company or corporation so failing liable for all damages and costs that may be sustained by any person by reason of such failure. Railroad companies must notify employee. Liability of railroad companies.

Approved March 12, 1890.

CHAPTER XXXIII.

RAILROAD CONSOLIDATION.

AN ACT amending Section 2360, of the Compiled Laws of Utah, of 1888, relating to Railroad Corporations.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2360 of the Compiled Laws of Utah of 1888 is amended to read as follows:

Sec. 2360. s. 46. It shall be lawful for any railroad companies organized under the laws of this Territory to consolidate their capital stock, debts, property assets and franchises together, and make like consolidations with any railroad company or companies organized under the laws of any State or other Territory; and any consolidation of any domestic railroad companies heretofore effected under the laws of this Territory is hereby validated and confirmed. Consolidation of railroad companies

Provided; that none of such roads consolidating shall be parallel or competitive, but shall be substantially continuous and connective. Conditions.

Approved March 12, 1890.

CHAPTER XXXIV.

INSANE ASYLUM.

AN ACT amending Section 1941 s 2 of the Compiled Laws of Utah o 1888 relating to Insane Asylum.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1941, s 2, of

Board of Directors.

the Compiled Laws of Utah, of 1888, is hereby amended by striking out the word "four" in line eight of said section and inserting in lieu thereof the word "two," and by striking out all of said section after the word "qualified in line nine and inserting in lieu thereof the following: *Provided*, That said board of directors shall consist of seven persons. The terms of office of all directors now in office shall cease and terminate as soon as their successors in office are qualified.

Sec. 2. This act shall be in force upon its approval.

Approved March 12, 1890.

CHAPTER XXXV.

INTOXICATING LIQUORS.

AN ACT amending Sections 2160, 2169 and 2170 of the Compiled Laws of Utah of 1888 relating to intoxicating liquors.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section two thousand one hundred and sixty of the Compiled Laws of Utah of 1888, is hereby amended to read as follows;

Sec. 2160. s. 5. Any person who shall knowingly give, sell or otherwise dispose of any intoxicating drink to an Indian, insane or idiotic person, and any person licensed as hereinafter provided, or any other person who shall for compensation knowingly give, sell or otherwise dispose of any intoxicating drink to any minor or who shall permit any of said persons to be or remain in his place of business where liquors are sold, without the written consent of the parents or guardians thereof or who shall give, sell or otherwise dispose of any intoxicating drink to any person who is known in the community in which he resides to be an habitual drunkard, shall be guilty of a misdemeanor.

Sec. 2. That section twenty-one hundred and sixty-nine of said laws is hereby amended to read as follows:

Sec. 2169 s. 1. It shall be unlawful for any person either licensed or unlicensed to sell, give away or in any manner dispose of directly or indirectly any spirituous, vinous or other intoxicating liquors on any part of any day set apart or to be set apart for any general or special election for any territorial, county, municipal, district or precinct officer, except district school trustees, in any election precinct or district in any of the counties or municipalities in this Territory, except for medical purposes upon the prescription of a physician.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 3. That twenty-one hundred and seventy of said laws is hereby amended to read as follows;

Penalty for selling to Indians, minors, habitual drunkards etc.

Penalty for disposal of on election day.

Sec. 2170. Any physician who shall issue to any person a prescription to obtain any intoxicating liquors at any time when the sale or disposal thereof shall have been forbidden by law shall certify on said prescription that the health of the person to whom the prescription is issued requires, and would be promoted by, the particular kind of liquor prescribed.

Physicians must
certify to prescrip-
tions.

Any physician who shall issue any prescription for intoxicating liquors contrary to this section shall be guilty of a misdemeanor.

Sec. 4. This act shall take effect from and after the 30th day of April, 1890.

Approved March 12, 1890.

CHAPTER XXXVI.

NOTICE FOR RENT.

AN ACT amending Section 3788 of the Compiled Laws of Utah of 1888, relating to summary proceedings for obtaining possession of real property in certain cases by adding thereto another subdivision numbered 5.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 3788 of the Compiled Laws of Utah of one thousand eight hundred and eighty-eight is amended by adding to the end of said section another subdivision viz: 5—as follows—

5, The demands for rent and the services of the notices mentioned in this section may be made at any place and at any time after the rent is due.

Time and place of
service.

Sec. 2. This act shall take effect upon its approval.

Approved March 12, 1890.

CHAPTER XXXVII.

MINES.

AN ACT to provide right of way and easements for the development of mines.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the owner, locator or occupant of a mining claim, whether patented under the laws of the United States or held by location or possession may have and acquire a right of way for ingress and egress, when necessary in working such mining claim over and across the lands or mining claims of others, whether patented or otherwise.

Right of way.

Sec. 2. When any mine or mining claim is so situated that for the more convenient enjoyment of the same a road, railroad or tramway therefrom or thereto, or ditch, flume, water pipe line, cut or tunnel to drain or convey the waters, or tailings therefrom or thereto, or a tunnel may be necessary for the better working thereof, which road, railroad, tramway, ditch, canal, flume, water pipe line, cut or tunnel, may require the use or occupancy for such right of way of lands or mining grounds owned, occupied or possessed by others than the person or body corporate requiring an easement for any of the purposes described, the owner, claimant or occupant of the mine or mining claim first above mentioned is, entitled to a right of way, entry and possession for all the uses and privileges for such road, railroad, tramway, ditch, canal, flume, water pipe line, cut or tunnel in, upon, through and across such other lands or mining claims, upon compliance with the provisions of this act.

Use of right of way.

Sec. 3. When the owner, claimant or occupant of any mine or mining claims desires to work the same and to enable him to do so successfully and conveniently it is necessary that he have a right of way for any of the purposes mentioned in the foregoing sections, if such right of way cannot be acquired by agreement with the claimant or owner of the lands or claims over, under across or upon which he seeks to establish such right of way he may present to the judge of the district court of the district in which such right of way or some part thereof sought to be enforced is situated, a petition praying that such right of way be awarded to him. Such petition must be verified and contain a particular description of the character and extent of the right sought a description of the mine or claim of the petition and the claim and lands to be affected by such right or privilege with the names of the occupants or owners thereof. He shall also set forth any tender or offer hereinafter mentioned and demand the relief sought.

How secured.

Petition.

Sec. 4. Upon the receipt of such petition and filing the same with the clerk of such court the judge must direct a citation to be issued under the seal of such court to the owners named in the petition of the mining claims and lands to be affected by the proceedings requiring them and each of them to appear before the judge on the day therein named which must not be less than ten days from the service thereof, and answer and show cause why such right of way should not be allowed as prayed for, such citation must be served on each of the parties in the manner prescribed by law for serving summons in ordinary proceedings at law.

Citation to appear.

Sec. 5. Upon the return day of the citation or upon any day to which the hearing may be adjourned, the judge must proceed to hear the allegations and proofs of the respective parties, and if upon such hearing he is satisfied that the claims of the petitioners can only be conveniently and suc-

Hearing.

cessfully worked by means of the privilege prayed for, he must make an order adjudging and awarding to the petitioners such right of way and must appoint three commissioners, Commissioners. who must be disinterested parties and residents of the district to assess the damages resulting to the lands or claims affected by such order.

Sec. 6. The commissioners so appointed must be sworn to faithfully and impartially discharge their duties, and must proceed without unreasonable delay to examine the premises and assess the damages resulting from such right or privilege Duties. prayed for, and report the amount of the same to the judge appointing them; and if such right of way affects the property of more than one person or company, such report must contain an assessment of damages to each company or person.

Sec. 7. For good cause shown, the judge may set aside the report of such commissioners and appoint three other Report may be set aside. commissioners whose duty shall be the same as above mentioned.

Sec. 8. Upon the payment of the sum assessed as damages as aforesaid, to the persons to whom it is awarded, or a tender thereof to them, then the person petitioning as aforesaid, is entitled to the right of way prayed for in his petition May occupy. and may immediately proceed to occupy the same and erect thereon such works and structures, and make therein such excavations as may be necessary to the use and enjoyment of the right of way so awarded.

Sec. 9. Appeals from the assessment of damages made by the commissioners may be made and taken to the district court in the same manner and subject to the same conditions and requirements as appeals taken to the district court from judgments of justices of the peace, and upon such appeal the trial shall be by jury unless a jury trial is waived as in other civil cases. Appeals.

Sec. 10. The prosecution of an appeal does not hinder, delay or prevent the respondent from exercising all the rights and privileges granted by the award, if he files with the clerk of the court in which the appeal is pending, a bond with sufficient sureties to be approved by the clerk, in double the amount of the assessment appealed from, conditioned that the respondent will pay to the appellant all damages he may sustain, and whatever amount he may recover in the action. Appeal Bonds.

Sec. 11. If the appellant recover more damages than the commissioners awarded, or the respondent offers to allow, the respondent must pay the costs of the appeal, otherwise the appellant must pay such costs. Costs.

Sec. 12. The costs and expenses of proceedings under the provisions of this act, except as herein otherwise provided, must be paid by the party making the application.

Sec. 13. Nothing contained in this act shall be so con-

Crossings, etc.

strued as to permit, allow or authorize the dumping of waste or the erection of buildings upon the surface ground obtained under the provisions of this act, and the party so obtaining right of way shall, without delay, construct safe and permanent crossings over and across any flume, open cut, or excavation that may necessarily be made; and the persons obtaining such right of way or easement shall at once safely and permanently secure and keep in good repair all ways, tunnels, drifts, cuts, drains and excavations, made by them.

Approved March 12, 1890.

CHAPTER XXXVIII.

CONTAGIOUS DISEASES.

AN ACT to prevent the spread and providing for the treatment of 'contagious diseases among sheep.

County court to
appoint inspectors.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That within sixty days after the approval of this act, the county court of each county in this Territory, shall appoint an inspector of sheep for their respective counties. Such inspector shall hold office during the pleasure of the county court and until his successor is duly appointed and qualified.

Qualifications of
inspector.

Bond.

Deputies.

Duties.

Expenses.

Sec. 2. Each inspector of sheep shall be a practical sheep man and a resident of the county for which he is appointed. Before entering upon the duties of his office he shall execute a bond payable to the Territory of Utah, in the sum of one thousand (\$1000.00) dollars, with at least two good and sufficient sureties to be approved by the county court, and filed with the clerk of said court, conditioned for the faithful performance of the duties of his office. Each inspector may appoint one or more deputies for whose official acts he shall be responsible. Upon the affidavit of any citizen of the county, having or owning sheep, that sheep owned by, or in charge of any other person, are afflicted with scab, scabies, or any contagious or infectious disease, and that such owner or other person has been notified of the fact and fails to take proper steps for the treatment and cure of such diseased sheep, it shall be the duty of the inspector, without delay, to examine such sheep, and, if he shall find them, or any of them, to be infected with any such disease, he shall take such sheep in his possession at once, and take, or cause to be taken, the proper steps for their treatment and cure, and the owner or owners of such diseased sheep shall be liable to said inspector for all necessary expenses, costs and charges incurred thereby, including a compensation of three dollars a day to such inspector for every day in which he shall be necessarily employed and

ten cents per mile for each and every mile traveled in going to and from such place; *Provided*, that no inspector shall be required to proceed to inspect any sheep complained of, until the party complaining shall have deposited with the inspector an amount, sufficient to cover his per diem and mileage, which the party complaining shall pay if the complaint prove false. Deposit may be required.

Sec. 3. Any person, company or corporation bringing or causing to be brought into this Territory by railroad any sheep, shall immediately upon their arrival at the first place where they are to be unloaded report them for inspection to the nearest inspector, and the owners or persons in charge of sheep brought into this Territory in any manner except by railroad shall immediately report their arrival to the inspector of the county which they first enter. Upon receiving such report the inspector shall immediately inspect such sheep, and if he finds them to be free from all infectious and contagious diseases he shall issue a certificate over his official signature that such sheep have been duly inspected and that they are free from all contagious and infectious diseases. Such certificate shall entitle the sheep so inspected to pass over any portion of the Territory, and they shall not be interfered with except upon a complaint by affidavit as provided in Section 2 of this act. All expenses incurred by inspections provided for in this section shall be paid by the owners or persons in charge of such sheep, and all such expenses shall be a lien on the sheep so inspected or treated, and the inspector is authorized to take and hold in his possession a sufficient number of such sheep, but no more than may be considered necessary, to pay the expenses so incurred. The provisions of this section shall not apply to sheep unloaded in transit through the Territory, nor to sheep owned by residents of the Territory which may be ranged a portion of the year without but near the boundaries of this Territory. Importation of sheep

Sec. 4. Whenever said inspector shall find any sheep afflicted by any contagious or infectious disease he shall forthwith take every measure and precaution to prevent such diseased sheep from going among or mingling with any other sheep so afflicted and shall so notify the owner or person in charge of such diseased sheep. The owner or person in charge of such diseased sheep shall immediately proceed to treat them for the cure of such disease under the supervision of said inspector, any person who shall refuse or neglect to immediately observe the directions of such inspector as hereinbefore provided shall, on conviction of such refusal, or neglect, be fined not less than fifty nor more than two hundred dollars. Expenses to be paid by owner.

Sec. 5. In case the owner or person in charge of such diseased sheep shall fail or refuse for the period of thirty days to treat such sheep under the supervision of said inspector as provided in Section 3 of this act, then said inspector shall Treatment of diseased sheep.

Seizure. seize such diseased sheep and shall proceed to treat them for such disease, and the cost of such seizure, keeping and treatment and the fees and mileage of such inspector as provided in Section 1 of this act, shall be a charge and a lien on the sheep so seized, and such inspector shall hold such sheep till such amount be paid. Immediately after the completion of the treatment as herein provided the inspector shall notify the person or persons in charge of the amount of costs and expenses incurred thereby, and that said sheep are ready to be returned upon payment of such costs and charges, and if such sum be not paid within ten days after the receipt of such notice said inspector shall recover the same from the owner of such sheep by an action in any court of competent jurisdiction but such action cannot be commenced after twenty days from the giving of such notice. *Provided*, no person or company shall be required to dip or treat a band of sheep or any part of them, in which there are ewes with lamb, at any time from the fifteenth day of March to the fifteenth day of June in any year.

Costs, etc.

Exception.

Sec. 6. The fees of the inspector shall be as follows: For inspecting and granting certificates and traveling permits, three dollars each day and ten cents per mile for every mile necessarily traveled in making such inspection.

Fees of inspector.

Sec. 7. Any person, company or corporation violating any of the provisions of this act shall be liable in a civil action for all damages sustained by any person, company or corporation in consequence of such violation.

Penalty.

Sec. 8. It shall be the duty of the inspector and his deputies to institute prosecutions for all violations of this act, but nothing herein contained shall prevent other persons from so doing.

Prosecutions.

Sec. 9. Any inspector who shall fail to inspect any sheep upon the application or affidavit of any person made in compliance with the provisions of this act, and any other person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor.

Failure to inspect.

Approved March 12, 1890.

CHAPTER XXXIX.

APPROPRIATIONS.

AN ACT making Appropriations for general purposes.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the following sums of money are hereby appropriated out of any money in the territorial treasury not otherwise appropriated for the purposes hereinafter expressed;

1st.	For salary of auditor of public accounts, for the years 1890 and 1891, one half to be drawn each year	Auditor's salary.	\$ 4800 00
2nd.	For salary of territorial treasurer for the years 1890 and 1891, one half to be drawn each year.....	Treasurer's salary.	2500 00
3rd.	For salary of territorial commissioner of district schools for the years 1890 and 1891 to be drawn quarterly	School Commissioner's salary.	3000 00
4th.	For salary of the territorial librarian for the years 1890 and 1891, to be drawn quarterly, <i>Provided</i> that this compensation shall include all the incidental expenses connected with the librarians office.....	Librarian's salary.	500 00
5th.	For rent of rooms for the auditor and treasurer, sealer of weights and measures and recorder of marks and brands for the years 1890 and 1891.....	Rent.	2400 00
6th.	For incidental expenses of the offices of auditor of public accounts, sealer of weights and measures and recorder of marks and brands for the years 1890 and 1891, or so much thereof as may be necessary. <i>Provided</i> , the same shall be paid out on vouchers approved by and filed with the auditor, a statement of which shall be presented to the Legislative Assembly at the next regular session thereof	Incidentals.	750 00
7th.	For incidental expenses of the office of territorial treasurer, for the years 1890 and 1891, or so much thereof as may be necessary.....	Same.	250 00
8th.	For incidental expenses of the office of the territorial commissioner of district schools for the years 1890 and 1891.....	Same.	250 00
9th.	For services of clerk of the First Judicial District Court for the years 1890 and 1891 to be drawn quarterly....	Salary of clerk of court.	2000 00
10th.	For services of clerk of the Second Judicial District Court for the years 1890 and 1891 to be drawn quarterly.....	Same.	1500 00
11th.	For services of clerk of the Third Judicial District Court for the years 1890 and 1891 to be drawn quarterly..... <i>Provided</i> , that the amounts specified in items 9, 10 and 11, shall be in lieu of all fees now allowed said clerks by law in territorial criminal cases.	Same. Proviso.	2000 00
12th.	To pay deficiency of witness and jurors in territorial criminal cases for 1889 as reported by court commissioners as follows :	Witnesses and jurors.	
	To First Judicial District Provo division to be drawn on the order of J. W. Turner.....		7138 52

	To First Judicial District Ogden division to be drawn on the order of Joseph Stanford	\$ 3112 00
	To Third Judicial District to be drawn on the order of George D. Pyper.....	2406 52
Expenses of criminal cases.	13th. For payment of witnesses and jurors and phonographic reporters in territorial criminal cases in the district courts of this Territory for the years 1890 and 1891, or so much thereof as may be necessary....	75000 00
Provido.	<i>Provided</i> , That the above amounts shall be drawn by the court commissioners of each district and paid out upon vouchers duly authenticated for services as jurors in territorial civil and criminal cases and for witnesses and phonographic reporters in criminal cases in which the Territory is liable as required by law.	
Insane Asylum.	14th. For the expenses of the Territorial Insane Asylum for the years 1890 and 1891 one-half to be drawn in 1890 and one-half to be drawn in 1891, to be drawn on the order of the board of directors..	60000 00
Same.	15th. For the completion of the Territorial Insane Asylum, according to the plans and specifications adopted by its board of directors, or so much thereof as may be necessary	163000 00
	To be drawn on the order of the board of directors.	
Reform School.	16th. To the Territorial Reform School for completing the same according to the plans and specifications adopted by the board of trustees or so much thereof as may be necessary.....	35000 00
	To be drawn by the board of trustees.	
Agricultural College.	17th. To the Agricultural College for the purpose of erecting buildings, improving and equipping the farm and furnishing the building, and for the purchase of additional land or so much thereof as may be necessary.....	33000 00
Same, expenses of	For current running expenses of said college for 1890 and 1891 or so much thereof as may be necessary	15000 00
Provido.	<i>Provided</i> one-half of the last amount shall be drawn in 1890 and one-half in 1891, the same to be drawn on the order of the board of trustees.	
D. A. & M. Society.	18th. To the Deseret Agricultural and Manufacturing Society to pay deficiency incurred in the erection of Fair Buildings	9167 42
Same.	To the said Deseret Agricultural and Manufacturing Society for the purpose of erecting additional fair buildings according to the	

plans and specifications adopted by the board of directors, or so much thereof as may be necessary to be drawn on the order of the board of directors..... \$25050 00

19th.	To S. T. Whitaker for services as minute clerk of the House for the 29th session.....	300 00	Whitaker.
20th.	To John H. Maughan for services during the 29th session.....	150 00	Maughan.
21st.	To M. W. Mansfield assessor and collector of Piute County for relief on account of delinquent taxes for 1887 and 1888.....	35 64	Mansfield.
22nd.	To A. E. Merriam assessor and collector of Sanpete County for relief on account of delinquent taxes for 1888 and 1889....	34 55	Merriam.
23rd.	To William J. Clarke for fees as clerk of the Supreme Court of the Territory of Utah in territorial criminal cases for the years 1888 and 1889.....	110 50	Clarke.
24th.	To A. Milton Musser for services acting as fish commissioners for Utah Territory for 1888 and 1889.....	700 00	Musser.
25th.	To Gilbert R. Belknap sheriff of Weber County for attendance on the district court of the First Judicial by order of said court 330 days during the years 1888 and 1889 at \$3.00 per day.....	990 00	Belknap.
	For attendance on said court in 1886 and 1887.....	207 00	
26th.	To Thomas Fowler sheriff of Utah County for attendance on the district court of the First Judicial District by order of said court 220 days in the years 1888 and 1889 at \$3.00 per day.	660 00	Fowler.
27th.	To Jessé Baldwin sheriff of Beaver County for attendance on the Second District Court by order of said court 141 days during the years 1888 and 1889 at \$3.00 per day.....	423 00	Baldwin.
28th.	To Deseret News Company for payment of bill for incorporation record furnished the clerk of the Third District Court.....	15 00	Deseret News.
29th.	To the Deseret News Company for blanks furnished the court commissioners.....	32 25	Same.
30th.	To the Deseret News Company for payment of bill of records and criminal blanks furnished by the order of the clerk of the district court of the Second Judicial District.....	435 22	Same.
31st.	To Geo. D. Barnard for books furnished the clerk of the Third District Court.....	83 75	Barnard.
32nd.	To Kelly & Co. for payment of invoice of record books furnished the clerk of the court of the First Judicial District.....	275 00	Kelly & Co.

Star Printing Co.	33rd. To Star Printing Company for printing during the twenty-eight session of the legislature	\$ 3 25
History Co.	34th. To the History Company of San Francisco for invoice of books furnished the territorial library.....	30 00
Parry & Co.	35th. To J. H. Parry & Co. in payment of bill of printing for the territorial library.....	26 75
Barnard & Co	36th. To Geo. D. Barnard & Co. for payment of invoice of file cabinets furnished the clerk of the Third Judicial District Court.....	475 00
McMillan.	37th. To H. G. McMillan for freight paid on file cabinets for the Third Judicial District Court .	42 38
Library.	38th. To Nephi W. Clayton, for books and sundry expenses for the territorial library as per report.....	115 68
Uintah County.	38½th. To Uintah County for relief on account of expenses incurred by said county in enforcing quarantine regulations to prevent the spread of diphtheria in 1889	933 40
Boreman.	39th. To Jacob S. Boreman for school blanks printed by the Commercial Publishing Company per invoice	155 00
	For postage stamps and paper	16 00
Williams.	40th. To P. L. Williams ex-commissioner of district schools for blanks etc. used in his office in 1888 .. .	109 00
Reports.	41st. For printing report of 1888.....	78 55
Lindsay.	42nd. To Martin S. Lindsay for clerical services rendered on the last day of the twenty-eighth session of the Legislature.....	5 00
First District Court	43rd. For the purchase of 120 file cases for the office of the clerk of the First Judicial District Court at Provo, or so much thereof as may be necessary.....	275 00
Uintah County.	44th. To Uintah County for the purpose of relieving William E. French sheriff of said county for fees and expenses incurred by him in criminal cases.....	257 25
Roads and bridg's.	45th. To the counties hereinafter mentioned for the purpose of improving roads and bridges to be drawn on the order of the county courts of the respective counties as follows to wit:	
	To Salt Lake County.....	2500 00
	“ Garfield County.....	1500 00
	“ Iron County	1000 00
	“ San Juan County.....	1000 00
	“ Piute County....	1500 00
	“ Kane County.	2500 00
	“ Morgan County....	1000 00
	“ Davis County.....	1000 00

To Utah County.....	\$ 2000 00	
“ Milliard County.....	2500 00	
“ Weber County.....	2500 00	
“ Beaver County.....	1500 00	
“ Emery County.....	2000 00	
“ Wasatch County.....	2000 00	
“ Sanpete County.....	2000 00	
“ Box Elder County.....	4000 00	
“ Uintah County.....	2000 00	
“ Summit County.....	2000 00	
“ Washington County.....	4000 00	
“ Cache County.....	2000 00	
“ Rich County.....	1000 00	
“ Juab County.....	2000 00	
“ Sevier County.....	3000 00	
“ Tooele County.....	1000 00	
46th. To Joseph A. Lyman assessor and collector of Millard County on account of taxes re- mitted by the county court of Millard County.	150 56	Lyman.
47th. To Peter O. Hallingreen for services as juror in 1887 in civil cases.....	4 00	Hallinggreen.
48th. To J. K. Fowler for services as juror in November 1886.....	10 00	Fowler.
49th. For deficiency of jurors in civil cases for the years 1886 and 1887 or so much thereof as may be necessary.....	2000 00	Jurors.
<i>Provided</i> , The above amount shall be drawn by the court commissioners and paid out on duly authenticated certificates of said jury service.		Proviso.
50th. To each of the judges of the district courts of this Territory as additional salary for 1890 and 1891, the same to be paid quarter yearly \$2000. Total.....	8000 00	District Judges.
51st. For salary of private secretary in the executive office for the years 1890 and 1891 \$1200 per annum.....	2400 00	Executive.
52nd. For the improvement of capitol grounds to be drawn by and expended under the super- vision of the capitol commission.	10000 00	Capitol Grounds.
<i>Provided</i> , that the above amount be ex- pended on condition that Salt Lake City furn- ish, free of charge sufficient water for said grounds and for the building proposed to be erected thereon.		Proviso.
53rd. To Joseph Stanford for balance due for salary as court commissioner..	75 00	Stanford.
For reimbursing him for amount overpaid on jury certificates....	19 39	

Matthews.	54th. To Alma Mathews for juror's services May term First Judicial District 1885.....	\$ 30 64
Thompson.	55th. To W. S. Thompson assessor and collector Garfield County for uncollectible taxes 1887, 1888 and 1889.....	86 22
King.	56th. To W. H. King ex-collector Millard County, for amount overpaid to the Territory taxes on transitory herds....	128 00
Pyper.	57th. To Geo. D Pyper court commissioner in the Third Judicial District extra services 1888-1889.....	300 00
Nebeker.	58th. To W. A. Nebeker assessor and collector of Rich County for uncollectible taxes 1884 and 1887.....	19 12
Callister.	59th. To T. C. Callister ex-assessor and collector, Millard County, for uncollectible taxes for the year 1884.....	69 61
Auditor.	60th. To reimburse N. W. Clayton auditor for amount paid P. L. Williams, territorial school commissioner	750 00
Same.	61st. To N W. Clayton rent of office for auditor three month at \$50 00 per month.....	150 00
Cummings.	62nd. To B. F. Cummings services as engrossing clerk 28th Session.....	6 00
Pratt.	63rd. To V. M. Pratt services engrossing clerk 28th Session.....	5 00
Willis.	64th. To George Willis services engrossing clerk 28th Session	30 00
Metcalf.	65th. To John W. Metcalf serving writs of commitment as per his bill to Territorial Reform School.....	24 00
Turner.	66th. To John W. Turner ex-sheriff Utah County attendance on First District Court 1888	171 00
Ivins.	67th. A. W. Ivins assessor and collector Washington County uncollectible taxes.....	109 63
Kilpack.	68th. To J. D. Kilpack assessor and collector Emery County, uncollectible taxes.	148 90
Jones.	69th. To E. W. Jones ex-assessor and collector Emery County uncollectible taxes..	136 16
Clark.	70th. To Wm. H. Clark ex-assessor and collector Sevier County uncollectible taxes.....	198 89
Clayton	71st. To N. W. Clayton for 500 copies of recorded marks and brands to date, to be distributed by the auditor to the several county courts for the use of justices of the peace and constables....	1000 00
	72nd. To the commissioners to locate University lands,	
University lands.	F. A. Mitchell.....	\$200 00
	I. M. Waddell	\$200 00
	R. A. Ballantyne.....	600 00

73rd. To J. B. Morrison chaplain of the Council 29th Session	150 00	Morrison.
74th. To C. D. W. Fullmer minute clerk of the Council 29th Session.....	300 00	Fullmer.
75th. To Simmons and Stayner land attorneys, legal services for commissioners to locate Uni- versity lands.	500 00	Simmons and Stayner.
76th. Maintenance of Reform School, tools &c., for the years 1890 and 1891.....	50552 89	Reform School.
77th. Contingent expenses, executive office for 1890 and 1891.....	600 00	Executive con- tingent.
78th. Fees to clerk of Supreme Court of the Ter- ritory of Utah in territorial criminal cases 1890, 1891.....	300 00	Clerk Supreme Court.
79th. For territorial statistician one-half to be drawn in 1890 and one-half in 1891.....	500 00	Territorial statis- tician.
80th. To N. W. Clayton for distributing Compiled Laws of Utah Territory as per instructions of compilation committee.....	150 00	Clayton.
81st. For Deseret University, furnishing Univer- sity building.....	15000 00	University.
Miscellaneous	5000 00	
Finishing Deaf Mute building.....	35000 00	
Maintenance	20000 00	
82nd. To Geo. C. Lambert for printing for 29th session of Legislative Assembly as per bill rendered	1879 30	Lambert.
83rd. To claims of sundry persons for extra clerk hire at the 29th session of Utah Legislature viz J. E. Hansen.....\$ 5.50. P. P. Christensen..... 7.00. John Sholdbrand..... 5.50 Wallace Halladay..... 20.00 M. S. Lindsay.... 37.00 George Willes..... 22.00	97 00	Clerks.
84th. To the territorial recorder of marks and brands for publishing at least quarterly the recorded marks and brands of Utah Territory, same to be distributed free of charge, through the county clerks, to the various justices of the peace and constables throughout the Territory, one-half to be drawn in 1890 and balance in 1891.....	500 00	Marks and Brands.
85th. To Secretary Elijah Sells for expense of committee rooms for Legislative Assembly 29th session.....	60 00	Secretary Sells.
86th. For sundry expenses of 28th session to be drawn on order of Robert C. Easton.....	65 00	Easton.
87th. For sundry expenses of 29th session to be drawn on order of S. F. Ball.....	\$ 15 00	Ball.

Sec. 2. That the moneys herein appropriated to the several territorial institutions for building purposes shall be subject to the warrants of the several respective boards of such institutions to the amount and in such sums as any such institution is entitled under the appropriation herein made, when the money or any part thereof derived from the sale of the territorial bonds provided for at this session of the legislature is in the territorial treasury, and the money derived from the sale of such bonds shall not be used for any other purpose than for the completion of the buildings of said institutions.

Approved March 13, 1890.

CHAPTER XL.

REVENUE.

AN ACT amending Sections 2008, 2012, 2013, 2023, 2027, 2030 and 2043 of the Compiled Laws of Utah of 1888 relating to Revenue, and enacting new sections to be numbered 2026a, 2026b, 2026c, 2026d, 2030a 2030b.

SECTION. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2008 of the Compiled Laws of Utah, 1888, is hereby amended to read as follows

2008. That there is hereby levied and directed to be assessed and collected annually, beginning with the year 1890 an ad valorem tax on all taxable property in the Territory of Utah as follows: Two mills on the dollar, for territorial purposes, three mills on the dollar for district school purposes, such sums as the county courts of the several counties may designate for district school purposes in such counties not to exceed two mills on the dollar and such sums as the county courts of the several counties may designate for county purposes not to exceed three mills on the dollar.

Sec. 2. That Section 2012 of said laws is hereby amended to read as follows:

2012. s. 5. Property shall be assessed to the owner, if known; if the owner be unknown, then to an unknown owner. The tax shall attach to and constitute a lien on the property assessed, if real estate, from the thirty-first day of August of each year, and, if personal property, from the day of assessment. If the taxpayer own both real estate and personal taxable property, the tax on personal property shall also be a lien on the real estate. In each and every case the lien shall be paramount to all other liens whatsoever, and it shall not be removed therefrom until the tax is paid or until the title vests thereto, under a sale thereof, by virtue of proceedings to enforce payment of the tax.

Territorial Institutions.

Rate of taxation.

To whom assessed.

Liens.

Sec. 3. That Section 2013 of said laws is hereby amended to read as follows:

2013 s. 6. In assessing real estate it shall be described with reasonable certainty as to locality and quantity, according to the maps or plats herein provided for. It shall be sufficient in towns and cities to give the number of the lot, block, and plat, and on other lands the approximate area within the section, or other legal subdivision thereof and the township and range in which it is situated. The real estate and improvements thereon shall be assessed and listed separately.

Assessment of real estate.

Sec. 4. That section 2023 of the Compiled Laws of Utah of 1888 is hereby amended to read as follows:

2023. s. 16. Each and every taxpayer shall make a written statement upon a blank form to be furnished him by the assessor of all taxable property owned by him or of which he has control or custody as agent trustee or otherwise which statement must be verified under oath by such taxpayer as to its correctness. The assessor may leave at the residence or place of business of any taxpayer a blank form of statement requiring the taxpayer to fill out and return the same to the assessor within twenty days from date of service; and any person, corporation, firm, or association furnished with said blank form must return the same to the assessor, duly verified under oath, as to its correctness, and upon any neglect or refusal to make or return the statement, herein provided for, the assessor must note the refusal or neglect on the assessment book opposite the taxpayers name, and must make an estimate of the value of the property of such person, and the value so fixed by the assessor must not be reduced but may be increased by the board of equalization. The county court shall furnish to the assessor a suitable book or books, conveniently ruled and headed, for designating the property to be assessed, which shall constitute the assessment roll

Taxpayers to make written statement.

Refusal or neglect.

County court to furnish books.

Sec. 5. That a new section numbered 2026a, is hereby enacted as follows:

Sec. 2026a. Any property wilfully concealed, removed, transferred, or misrepresented by the owner or agent thereof, to evade taxation, upon discovery, must be assessed at double its value

Misrepresentation.

Sec. 6. That a new section numbered 2026b is hereby enacted as follows:

2026b. Any property discovered by the assessor to have escaped assessment for the last preceding year through the fraud or wilful neglect of the taxpayer, if such property is in the ownership or under the control of the same person who owned or controlled it for such preceding year shall be assessed for the year in which discovery is made at double its value.

Unassessed property.

Sec. 7. That a new section numbered 2026c is hereby enacted as follows:

Liability of
assessor.

2026c. The assessor and his sureties shall be liable on his official bonds for all taxes on property within or known to the assessor to be assessable within the county, which through his wilful failure or neglect is unassessed, or which has been by him wilfully assessed at less than the cash value.

Sec. 8. That a new section numbered 2026d is hereby enacted as follows :

Duty of prosecu-
ting attorney.

2026d. The prosecuting attorney of the respective counties must, after the assessor completes the assessment book for the year, commence an action on the assessor's bond for the amount of taxes which it may come to his knowledge have been lost from such wilful failure or neglect to assess taxable property and from assessing property at less than cash value.

Sec. 9. That Section 2027 of said laws is hereby amended to read as follows :

Duty of county
court.

County clerk.

Collector.

Board of Equaliza-
tion.

2027. The county court of each county shall on the return of the assessment roll appoint a time to hear complaints, determine the assessor's and collector's compensation, also determine the rate per cent of the county tax for the current year. The clerk of the county court shall, within twenty days after receipt of the assessment roll, set the amount of tax in the proper column, opposite the name or description of property and furnish the collector with said assessment roll. On receipt of the assessment roll from the clerk, the collector shall furnish to each taxpayer, by mail, postage prepaid, or leave at his residence or usual place of business, if known, a notice of the amount of tax assessed against him and of the day fixed by the board of equalization for hearing complaints, which notice shall be mailed at least ten days before the first day of hearing, and return said assessment roll to the county court, who shall constitute a board of equalization and shall have power to determine all complaints made in regard to assessed value of any property, and may change and correct any valuation, either by adding thereto or deducting therefrom. Upon the hearing of complaints the board may subpoena and administer oaths to witnesses and hear and take such evidence in relation to the subject pending as in its discretion it may deem proper. And if the board of equalization shall find it necessary to add to the assessed valuation of any property on the assessment roll, they shall direct the clerk to give notice to the persons interested by letter, postage prepaid, deposited in the post-office or otherwise, naming the day when they shall act in the case, and allowing a reasonable time for such party to appear.

Remission of tax.

During the session of the board the assessor shall be present, and shall have liberty to make any statement touching questions before the board. The board may remit or abate the taxes of any insane idiotic, infirm or indigent per-

son to an amount not exceeding ten dollars for the current year.

The county court must provide maps for the use of the assessor, showing the private lands owned or claimed in the county and the divisions and subdivisions of the survey and maps of cities, towns and school district must in like manner, be provided, and a duplicate set of maps for the collector where the office is separate. The cost of making such maps shall be borne equally by the county and Territory. Maps.

It shall be sufficient in the case of the assessment of property to any corporation, company, firm or association, to address such notice to the president, cashier, superintendent, manager or agent of the corporation, company, firm or association assessed, at its principal place of business.

Sec. 10. That section 2030 of said laws is hereby amended to read as follows:

2030. s. 19. On receipt of the duplicate roll with warrant attached, from the clerk of the county court, the collector shall proceed to collect the taxes and shall furnish to each taxpayer, or leave at his residence or usual place of business, if known, a notice of the amount of tax assessed against him and when and where payable, and any and all taxes remaining unpaid after the thirty-first day of October of each year shall be delinquent. Collections.

Sec. 11. That a new section numbered 2030a is hereby enacted as follows:

2030a. The collector shall on or before the first day of December of each year publish in alphabetical order a delinquent tax list showing the amount of territorial school and county and special district school taxes assessed against each delinquent in his county. Said list must be published for the period of ten days in a newspaper having a general circulation in the county. On the third Monday of December of each year the collector shall expose for sale sufficient of such delinquent's real estate, *Provided*, that the personal taxable property of such delinquents has been first exhausted by a levy and sale and for that purpose the tax on the real estate is made a lien on the personal property to pay the taxes and costs, at public auction at the front of the county court house and sell the same to the highest responsible bidder for cash, and the collector shall continue to sell from day to day until the property of such delinquents is exhausted or the taxes and costs paid. The collector shall receive costs as follows: Tax list.
For each certificate of sale, per folio, twenty-five (25) cents. For publishing the name and amount of taxes due from each delinquent one (1) dollar. For filing certificate for tax sale with the county recorder fifty (50) cents. Sale.

Sec. 12. That a new section numbered 2030b, is hereby enacted as follows:

2030b. Where personal taxable property only is assessed,

Levy.

and the tax becomes delinquent, it shall be the duty of the collector to levy upon enough of the personal property to pay the taxes and costs and proceed to sell the same as hereinafter provided.

Notice.

That he shall give notice of the time and place of sale and the kind of property to be sold, by posting notices of said sale in not less than three public places, one of which shall be posted in the precinct in which the taxpayer resides. Said notices shall be posted not less than ten days prior to said sale.

Fees.

The collector shall be entitled as costs to the same fees as a sheriff or constable for like services.

Certificate.

The collector shall issue to the purchaser a certificate of sale, reciting the facts therein, which said certificate shall vest the title in said purchaser. Collections made under the provisions of Section 2026 of the Compiled Laws of Utah of 1888 shall be at the rate per cent of the previous year. Whenever property shall be sold for taxes the amount, if any, remaining over and above the tax and costs shall be paid into the county treasury, subject to the order of the person whose property was sold.

Sec. 13. That Section 2043 of said laws is hereby amended by adding thereto two subdivisions numbered 11 and 12 as follows:

Terms defined.

11. The terms value and fair cash value mean the amount at which the property would be taken in payment of a just debt due from a solvent debtor.

12. The term credits means those solvent debts owing to the person, firm, corporation or association assessed. The term debts means all liabilities owing by the person, firm, corporation or association.

Sec. 14. This act shall take effect upon its approval.

Approved March 13, 1890.

CHAPTER XLI.

MUNICIPAL CHARTERS.

AN ACT supplementing and amending the charters, and defining, prescribing and regulating the powers, duties and government of cities of the first and second class.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the city council of each city of the first and second class in the Territory of Utah, shall have the following powers: To lay out, establish, open, alter, extend, widen, and improve streets, alleys, avenues, sidewalks, parks and public grounds and vacate the same; and to grade, curb and gutter, park and beautify or otherwise improve and keep in good repair, or cause the same to be done

Streets, etc.

in any manner they may deem proper, any park, street, avenue, or alley within the limits of the city, and may grade partially or to the established grade, or park or otherwise improve any part of such street avenue or alley, and may also construct and repair, or cause and compel the construction and repair of sidewalks in such city, of such material, and in such manner as they may deem proper and necessary; and to defray or cause to be defrayed the cost and expense of such improvements or any of them, the council of such city, shall have power and authority to levy and collect special taxes and assessments upon the blocks, lots or parts thereof, and pieces of ground adjacent to or abutting upon the street, avenue, alley or sidewalk thus in whole or in part opened widened, curbed and guttered, graded, parked, extended, constructed or otherwise improved or repaired, or which may be especially benefited by any of said improvements; provided that the above provisions shall not apply to ordinary repairs of streets or alleys and one-half of the expense of bringing streets, avenues, alleys or parts thereof to the established grade shall be paid out of the general fund of the city; and such council shall have power to pave, repave or macadamize any street or alley, or part thereof in the city, and for that purpose to create suitable paving districts, which shall be consecutively numbered, such work to be done under contract, and under the superintendence of the board of public works of the city.

Sidewalks.

Pavements.

The cost of paving, macadamizing or repaving of the streets and alleys within any paving district, except the intersection of streets and space opposite alleys within such district, shall be assessed upon the lots and lands abutting upon the streets and alleys in such district, in proportion to the square feet or feet front or both so abutting upon such streets and alleys. The assessments of special taxes for paving purposes herein provided for, shall be made as follows:

Special tax.

The total costs of the improvements shall be levied at one time upon the property and become delinquent as herein provided:

One-tenth (1-10) of the total amount shall be delinquent in fifty days after such levy, one-tenth (1-10) in one year, one-tenth (1-10) in two years, one-tenth (1-10) in three years, one-tenth (1-10) in four years, one-tenth (1-10) in five years, one-tenth (1-10) in six years, one-tenth (1-10) in seven years, one-tenth (1-10) in eight years, and one-tenth (1-10) in nine years; each of said instalments, except the first shall draw interest at the rate of seven per cent. per annum from the time of levy aforesaid, until the same shall become delinquent, and after the same shall become delinquent, interest at the rate of 10 per cent. per annum shall be paid thereon. Such taxes shall be collected and enforced as in other cases of special taxes. In cases of omission, errors or mistakes, in making such assessment or levy in respect of the total cost of the improvements, or

When delinquent.

Errors.

Supplemental
assessment.

Street railways.

deficiencies or otherwise, it shall be competent for the council to make a supplemental assessment and levy to supply such deficiencies and omissions, errors or mistakes. The cost of paving, macadamizing or repaving the intersections of streets and space opposite alleys in any paving district, shall be paid by the city as hereinafter provided; but nothing herein contained shall be construed to exempt any street railway company from keeping every portion of every street, avenue and alley used by it, upon or across which its track shall be constructed at or near the grade of such streets in good and safe condition for public travel and shall keep the same plank-paved, macadamized or otherwise in such condition for public travel as the city council of such city may from time to time direct, keeping the plank-pavement or other surface of the street or alley level with the top of the rails of the track of such street railway. The portions of the streets or alleys to be so kept and maintained by all such street railway companies shall include all the space between its different rails and tracks and also a space outside of the outside rail of each outside track of at least two feet in width and the tracks herein referred to shall include not only the main tracks, but also all side tracks, crossings and turnouts, constructed for the use of such street railways.

Unused tracks.

If any company shall have laid tracks upon the streets or highways of any city and failed to operate them with cars for public use for the period of nine months after the laying thereof, such tracks may be declared a nuisance and taken up by the city and removed.

District paving
bonds.

For the purpose of paying the cost of paving, macadamizing or repaving the streets and alleys in any paving district, exclusive of the intersections of streets and space opposite alleys therein, the council shall have power, and may by ordinance cause to be issued bonds of the city, to be called "District Paving Bonds of District No. _____" payable in not exceeding ten years from date, and to bear interest payable annually, not exceeding the rate of 6 per cent. per annum, with interest coupons attached, and in such case shall also provide that said special taxes and assessments shall constitute a sinking fund for the payment of said bonds and interest, and said bonds shall not be sold for less than their par value, provided that the entire cost of paving, repaving or macadamizing any such streets, avenues or alleys, properly chargeable to any blocks, lots of lands or part thereof within any such paving district according to the front feet or square feet thereof may be paid by the owner of such lots or lands within fifty days from the levy of such special taxes and thereupon such lots or lands shall be exempt from any lien or charge therefor.

Whenever the council deem it expedient, they shall have power, for the purpose of paying the cost of paving, repaving or macadamizing the intersection of streets and spaces oppo-

site alleys in the city, to issue bonds of the city, to run not more than twenty years, and to bear interest payable semi-annually at a rate not exceeding six per cent. per annum, with coupons attached, to be called "paving bonds," and which shall not be sold for less than their par value, and the proceeds of which shall be used for no other purpose than paying the cost of paving, repaving or macadamizing the intersections of streets and alleys in the city. *Provided*, That the aggregate amount of such bonds issued in any one year shall not exceed the sum of one hundred thousand dollars (\$100,000); and if in any such city there shall be any real estate not subject to assessment of special taxes for paving purposes, the council shall have the power to pave in front of the same and to pay the cost thereof that would otherwise be chargeable on such real estate, in the same manner as herein provided for the paving of intersection of streets and paying therefor. The word "lot" as in this act used shall be taken to mean any sub-divided real estate. The word "lands" shall mean any unsubdivided real estate. The word "street" shall be deemed to include boulevard and avenue.

City paving bonds.

Limit.

Provided, That if the lots and real estate abutting upon that part of the street ordered paved, repaved or macadamized as shown upon any such recorded plat or map are not of uniform depth, or if for any other reason it shall appear just and proper to the council, the council are authorized and empowered to determine and establish the depth to which the real estate shall be charged and assessed with the cost of the improvement, and such depth shall be determined and established according to the benefits accruing to the property by reason of the improvement. The council shall include in the paving district all the real estate to be benefitted by such improvement and shall cause it to be charged and assessed with the cost of such paving or improvement as in this section hereinafter provided. The provisions of this section in regard to the depth to which real estate may be charged and assessed, shall apply to all special taxes that may be levied, except for sidewalk in proportion to the front or square feet. Whenever curbing, or curbing and guttering is done upon any street or avenue in any paving district in which paving has been ordered, and the council shall deem expedient so to do, they shall have power and authority, for the purpose of paying the cost of such curbing and guttering to cause to be issued bonds of the city, to be called "Curbing and Guttering Bonds of Paving District No. _____" payable in not exceeding ten years from date, and to bear interest payable annually, not exceeding the rate of six per cent. per annum with interest coupons attached, and in such case, shall assess at one time the total cost of such curbing and guttering, or curbing as the case may be, upon the property abutting or adjacent to the portion of the street or avenue so improved,

Depth of assessable property.

Curbing and guttering bonds.

according to special benefits; such assessment to become delinquent the same as the assessment of special taxes for paving purposes, and to draw the same rate of interest and be subject to the penalties, and may be paid in the same manner as special taxes for paving purposes, and the special taxes so assessed shall constitute a sinking fund for the payment of said bonds and interest, and said bonds shall not be sold for less than their par value; and no such special tax shall be declared void, nor shall any such assessment or part thereof, be set aside in consequence of any error or irregularity committed or appearing in any of the proceedings under this act or the acts of which it is amendatory; but any party feeling aggrieved by any such special tax or assessment or proceeding may pay the said special taxes assessed or levied upon his, her or its property or such instalments thereof as may be due, at any time before the same shall become delinquent, under protest, and with notice in writing to the city collector that he intends to sue to recover the same, which notice shall particularly state the alleged grievance and grounds thereof, whereupon such party shall have the right to bring a civil action within sixty days thereafter, and not later, to recover so much of the special taxes paid as he shall show to be illegal, inequitable and unjust, the cost to follow the judgment to be apportioned by the court as may seem proper, which remedy shall be exclusive. The city collector shall promptly report all such notices to the city council for such action as may be proper. No court shall entertain any complaint that the party was authorized to make, and did not make to the city council sitting as a board of equalization, nor any complaint not specified in said notice fully enough to advise the city of the exact nature thereof; nor any complaint that does not go to the groundwork equity and justice of the tax. The burden of proof to show such tax or part thereof invalid, inequitable or unjust, shall rest upon the party who brings such suit.

Provided, that the city council shall provide by ordinance, that upon the levying of any tax under the provisions of this act and the completion of the list or lists of the property in any of the districts taxed, five of its members shall be appointed as a board of equalization and review, and the list or lists shall be placed in the hands of said board, and the said board shall give public notice of the completion of the said lists and appoint not less than five consecutive days upon which they will meet during the usual business hours and state the place of its meeting, and during the time specified the said list or lists shall be open to public inspection, and any person or persons feeling themselves aggrieved shall have hearing before said board, and the said board shall have the authority to make correction of any tax deemed by them unequal or unjust.

Sec. 2. All horse, cable, steam, electric or other railway

Protests.

Collector to report.

Burden of proof.

Board of equalization.

Notice.

companies now existing or hereafter created in any city already incorporated or hereafter organized shall be required to pave or repave at their own cost all the space between its different rails and tracks and also a space two feet wide outside of the outside rails of the outside tracks, and the tracks herein referred to shall include not only the main tracks but also all side-tracks, crossings and turnouts used by such companies, and where two or more companies occupy the same street or alley with separate tracks, then each company shall be responsible for its proportion of the surface of the street or alley occupied by all the parallel tracks as herein required. Such paving or repaving by such railway companies shall be done at the same time and shall be of the same material and character as the paving or repaving of the streets or alleys upon which said railway track or tracks is located, unless other material be specially ordered by the board of public works.

Railways to pave.

Such railway companies shall be required to keep that portion of the street which they are herein required to pave or repave in good and proper repair, using for said purpose the same material as the street upon which the track or tracks are laid at the point of repair or such other material as the board of public works may require and order; and as streets are hereafter paved, or repaved, street railway companies shall be required to lay, in the best approved manner, a rail to be approved by the board of public works. The tracks of all railway companies, when located upon the streets or avenues of the city shall be kept in repair and safe in all respects for the use of the traveling public, and said companies shall be liable for all damages resulting by reason of neglect to keep such tracks in repair, or for obstructing the streets or avenues of such city. For injuries to persons or property arising from the failure of such company to keep their tracks in proper repair and free from obstructions, such company shall be liable and the city shall be exempt from liability. The word "companies" as used in this act shall be taken to mean and include any persons, companies, corporations or associations owning or operating any street or other railway in any such city.

Repairs.

Liable for injuries.

Sec. 3. In the event of the refusal of such company to pave, repave or repair as required in the foregoing sections, when so directed by the council, upon the paving or repaving of any street upon which their track is laid, the council shall have power to pave, repave or repair the same and the cost and expense of such paving, repaving or repairing may be collected by levy and sale of any property of said street railway company, in the same manner as special taxes are now or may be collected. Special taxes for the purpose of paying the cost of any such paving or repaving, macadamizing or repairing of any such street railway, may be levied upon the track, including the ties, iron, roadbed, and right of way, side-tracks, and appurtenances, including buildings and real estate belonging

Refusal to pave.

Railroads may be taxed.

Lien.

to any such company or person and used for the purpose of such street railway business, all as one property; or upon such parts of such track, appurtenances and property or any part thereof as may be within the district paved, repaved, macadamized or repaired, and shall be a lien upon the property levied upon from the time of the levy until satisfied. No mortgage, conveyance, pledge, transfer, or incumbrance of any such property or of any rolling stock or personal property of any such company or person, created or suffered by a company or party, after the time when any street or part thereof upon which any street railway shall have been laid, shall have been ordered paved, repaved, macadamized or repaired, shall be made or suffered except subject to the lien of such special taxes, if such levy be in contemplation. The city collector shall have the power and authority to seize any personal property belonging to any such person or company for the satisfaction of any such special taxes when delinquent, and to sell the same upon advertisement and in the same manner as constables are now or may be authorized to sell personal property, upon execution at law; but failure so to do, shall in no wise affect or impair the lien of the tax or any proceeding allowed by law for the enforcement thereof. The railroad track or any other property upon which such special taxes shall be levied, or so much thereof as may be necessary, may be sold for the payment of such special taxes in the same manner and with the same effect as real estate upon which such special taxes may be levied, may be sold.

Sale.

Civil action.

It shall also be competent for any such city to bring a civil action against any party owning or operating any such street railway, and liable to pay said taxes, to recover the amount thereof, or any part thereof delinquent and unpaid in any court having jurisdiction of the amount, and obtain judgment, and have the execution therefor and no property, real or personal, shall be exempt from any such execution.

Levy on real estate.

Provided, that real estate shall not be levied upon by execution except by execution out of the district court on the judgment therein, or transcript of judgment filed therein, as is now or hereafter may be provided by law. No defence shall be allowed in any such civil action except such as goes to the groundwork, equity and justice of the tax, and the burden of proof shall rest upon the party assailing the tax. In case part of such special tax shall be shown to be invalid, unjust and inequitable, judgment shall be rendered for such amount, as is just and equitable. It shall be competent for the counsel upon the written application of any company, association, corporation or person, owning any such street railway, to provide that such special taxes shall become delinquent and be payable in installments, as in case of taxes levied upon abutting real estate as hereinafter provided, but such application shall be taken and deemed a waiver of any and all objec-

Defence.

Installments.

tions to such taxes and the validity thereof. Such application shall be made at or before the final levy of such taxes. The provision of this act in regard to the levy, collection, and enforcement of special taxes to pay the costs of paving, repaving, macadamizing or repairing between the rails of street railways shall apply to such special taxes hereafter levied. Time for Application.

Sec. 4. The council shall have power, in any paving district, and it shall be their duty before the work of paving or repaving is done therein, to require water, gas and sewer connections to be made under such regulations and at such distances from the street mains to the line of the property abutting upon the street ordered paved or repaved, as may be prescribed by ordinance and shall require that such water-pipe connections may be made by any water works company owning the waterpipe main, and that such gas pipe connections may be made by any gas pipe company owning the gas pipe main. And upon neglect or failure of the water or gas companies to do the same, the board of public works may cause the same to be done, and the cost thereof shall be deducted from any indebtedness of the city to such companies, and no bills shall be paid to the said companies by the city until all such expense for pipe laying shall have been liquidated. And the council shall also have power, at any time, to assess the cost of any sewer connections and also of any water connections when the city owns the water and water pipe main upon the property opposite such connections, and to such depth as the council, sitting as a board of equalization, shall deem just and equitable. Laying of pipes.
Neglect or failure.

Sec. 5. All special taxes to cover the cost of any public improvement herein authorized shall be levied and assessed on all blocks, lots, parts of blocks and lots, lands and real estate bounding, abutting or adjacent to such (improvements or within the districts created for the purpose of making such improvement, to the extent of the benefits to such) lots, parts of lots, lands and real estate by reason of such improvement such benefits to be equal and uniform. Such assessments may be according to the square foot or foot frontage, and may be pro-rated and scaled back from the line of such improvement and an allowance made for corner lots so that they shall not be assessed at full rate on both streets, according to such rules as the board of equalization shall consider fair and equitable; and all such assessment and finding of benefits shall not be subject to review in any legal or equitable action, except for fraud, gross injustice or mistake. *Provided*, That when any public improvement shall extend into or through any unsub-divided tract or parcel or parcels of land, said taxes shall be levied so as not to be charged against the real estate adjoining such improvement for a greater depth than the average distance through the sub-divided real estate to be taxed for said purpose. Area of taxable property.
Assessment of corner lots.

Description.

Sec. 6. It shall be sufficient, in any case, in making a levy or assessment of any tax, to describe the lot or piece of ground as the same is platted and recorded, although the same may belong to several persons; but in case any lot or piece of ground belongs to different persons, the owner of any part thereof may pay his proportion of the tax on such lot or piece of ground, and his proper share may be determined by the city collector.

Costs.

Sec. 7. The cost and expense of grading, filling, culverting, curbing, guttering, or otherwise improving, constructing or repairing streets, avenues, alleys and sidewalks at their intersections, may be included in the special tax levied for the construction or improvement of any one street, avenue, alley or sidewalk, as may be deemed best by the council.

Special taxes.

Sec. 8. Special taxes may be levied as the improvements are completed in front of or along, or upon any block or lot or part thereof or piece of ground, or at the time the improvement is entirely completed, or otherwise, as shall be provided in the ordinance levying the tax.

Collection.

Sec. 9. When any special tax is levied it shall be the duty of the city recorder to deliver to the city collector a certified copy of the ordinance levying such tax, and such collector shall without delay give at least five days notice in one or more newspapers having general circulation in said city, of the time when such tax will become delinquent.

Sewers and drains.

Sec. 10. Special taxes may be levied by the council for the purpose of paying the cost of constructing or reconstructing sewers or drains within the city; such taxes to be levied on the real estate lying and being within the sewerage district in which such sewerage or drain may be situated, to the extent of the benefits to such property, by reason of such improvement, the benefits to such property to be determined by the council, sitting as a board of equalization.

Levy.

Provided, that in cases where the council sitting as such board of equalization, shall find such benefits to be equal and uniform, such levy may be according to the front feet or square feet of lots or real estate within said sewerage district or according to such other rule as the council sitting as such board of equalization may adopt for such distribution or adjustment of such cost upon the lots or real estate in such district benefitted by such improvement; and all taxes or assessments made for sewerage or drainage purposes shall be collected in the same manner as other special assessments, and shall be subject to the same penalty.

Board of public works.

Sec. 11. There shall be in each city of the first class a board of public works which shall consist of five members, residents and freeholders of the city, to be appointed by the council before the first Monday of July, 1890, for the term of two years. The council shall designate one of the members of such board to be the chairman thereof. The

salaries of the members of such board of public works shall be fixed by ordinance and the salary of the chairman shall not exceed fifteen hundred (\$1,500) dollars per annum and the salary of each of the other members shall not exceed the sum of five hundred (\$500) dollars per annum. Each member of said board shall, before entering upon the discharge of his duties, take an oath to faithfully discharge the duties of his office, and enter into a bond to such city with two or more good and sufficient sureties, to be approved by the council, the bond of the chairman to be in the sum of fifteen thousand (\$15,000) dollars, each conditioned for the faithful performance of his duties as a member of such board of public works.

Salaries.

Bonds.

The chairman of such board shall devote all necessary time to the performance of his official duty, and no member of such board shall ever be directly or indirectly interested in any contract entered into by them on behalf of such city, nor shall he be interested either directly or indirectly in the purchase of any material to be used or applied in or about the use or purposes contemplated by this act. It shall be the duty of such board of public works, and it shall have power to make contracts on behalf of the city, for the performance of all such work and the erection of all such improvements as may be ordered by the council, but all such contracts shall be subject to the approval or rejection of the council; to superintend the performance of all such work and the erection of such improvements, except the supervision of the construction of city halls, market houses, jails or other public buildings. It shall also be the duty of said board to approve the estimates of the city engineer which may be made from time to time, of the value of work as the same may progress; to accept any work done or improvement made, when the same shall be fully completed according to contract, subject, however, to the approval of the council, and to perform such other duties as may be devolved upon them by ordinance. Any member of such board may at any time be removed from office by a vote of two-thirds of the members of the council, for sufficient cause and the proceedings in that behalf shall be entered in the journal of the council. *Provided*, that the council shall previously cause a copy of the charges preferred against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him at least ten days previous to the time so assigned and opportunity to be given him to make his defense.

Duties and powers of Board.

Removal.

Limitation.

Sec. 12. Nothing in this act shall be so construed or held to authorize any city of the "first or second class," to issue bonds of the city either as district bonds, for paving the streets, or for paving said street intersections, or spaces opposite alleys in said city or for any purpose whatever to any

amount beyond that fixed as the limit of the bonded indebtedness, of said city by congressional enactment.

Sec. 13. In all cases before the levy of any taxes for any improvements provided for in this act the city council shall give notice of intention to levy said taxes naming the purposes for which the taxes are to be levied, which notice shall be published at least twenty days in a newspaper published within such city. Such notice shall describe the improvements so proposed, the boundaries of the district to be affected or benefited by such improvements; the estimated cost of such improvements and designate the time set for such hearing. If at or before the time so fixed written objections to such improvements signed by the owners of one-half of the front feet abutting upon that portion of the street, lane, avenue or alley to be so improved be not filed with the recorder the council shall be deemed to have acquired jurisdiction to order the making of such improvements.

Sec. 14. This act shall take effect on the first day of May, one thousand eight hundred and ninety.

Approved March 13, 1890.

CHAPTER XLII.

ASSESSING AND COLLECTING TAXES.

AN ACT to provide for the Assessing and Collecting of Taxes on Transient Stock.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* Where horses, mules, cattle or sheep, are wintered in one county and summered in another, when the owner thereof is not a resident of either county, the tax on said stock may be assessed and collected in either of said counties. The county court of the county where such taxes shall have been assessed and collected, shall upon application therefor, remit to the county treasurer of such other interested county, one-half of the county taxes so collected, after deducting therefrom the cost of assessing and collecting the same.

Sec. 2. Where horses, mules, cattle, or sheep, are owned in one county and summered in the county where owned, and taken into another county to be wintered before such time as they can be assessed in the county where owned, the assessor of the county, in which said horses, mules, cattle or sheep are transient, shall list the same on a listing blank, and transmit said list to the assessor of the county in which said stock are owned, who shall at once assess said stock, and enter said assessment on the assessment roll of said county, and assess a special school tax against said stock which may have been levied in the school district in which said stock are owned, and

Where tax on transient stock is collectible.

Tax payable in county where stock is owned.

the same shall be collected by the collector of the county in which said stock are owned.

Sec. 3. Where horses, mules, cattle, or sheep, are owned in one county and wintered in the county where owned, and taken into another county before being assessed in the county where owned, the assessor of the county in which said horses, mules, cattle or sheep are transient, shall list the same on a Same. listing blank, and transmit said list to the assessor of the county in which said stock are owned, who shall at once assess said stock, and enter said assessment on the assessment roll of said county, and assess any special school tax against said stock which may have been levied in the school district in which said stock are owned, and the same shall be collected by the collector of the county in which said stock are owned.

Sec. 4. A list of all assessments made by the assessors of other counties in accordance with the provisions of this act shall be made by the assessors of the various counties, to whom the same has been transmitted, immediately upon the completion of the assessment roll, and deposited with the county Assessment lists. clerks of their several counties, and upon the payment of said tax by the owner of said horses, mules, cattle or sheep, the county court of the county in which said stock are owned, shall cause to be transmitted to the county treasurer of the county in which said listing was made, one-half of the county tax so collected, together with the percentage for assessing on the entire amount.

Sec. 5. The county clerks of the several counties are hereby authorized to issue certificates, under the seal of their respective courts, to the owners of stock in their several counties who summer or winter their stock in the counties in which they are residents, and winter or summer them in other counties in this Territory, reciting said facts, which certificates shall be produced by the owner of said stock, or the person in charge thereof, for the inspection of the assessor of the county in which said stock are wintered or summered, as the case may be, to entitle them to the benefits of this act. County clerks to issue certificates to stockowners.

Sec. 6. Where horses, mules, cattle or sheep are assessed in the county in which the owner of said stock is a resident, the assessor of said county is hereby authorized, at the time of said assessment, to make and deliver to said owner a certificate of said assessment, which certificate upon being delivered to any assessor shall exempt said stock from further assessment. Assessors' certificate.

Sec. 7. All laws conflicting with the foregoing act are hereby repealed.

Sec. 8. This act shall take effect upon its passage and approval.

Approved March 13, 1890.

CHAPTER XLIII.

BUREAU OF STATISTICS.

AN ACT creating a Bureau of Statistics.

Territorial statistician.

Salary.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That a bureau of statistics is hereby created, and the territorial librarian is hereby made the territorial statistician, who shall receive an annual salary of six hundred dollars in addition to his salary as territorial librarian, which salary shall be paid quarter-yearly in equal proportions, out of the territorial treasury.

Duties.

Sec. 2. It shall be the duty of the territorial statistician, on or before the first day of January of each year, to prepare and cause to be furnished to the county clerks of the several counties for delivery to the county assessors, suitable blank forms for the collection of statistics as hereinafter provided by this act.

Duties of county assessors.

Sec. 3. The several county assessors and their deputies, of this Territory, shall at the time of taking the lists of property for taxation, procure from each person required to list property in their county a statement of the number of acres he has had under cultivation during the preceding year, the number of acres irrigated, the number of acres he has had under enclosure for pasture, the kinds of crops and the respective acreage thereof, the amount of product of each respective crop during the preceding year; number of gallons made of wine, cider, vinegar and sorghum; number of pounds made each of butter, cheese, honey and dried fruits of each kind respectively; number of hives of bees; number of pounds of wool shorn; the number each of milch cows, cattle, horses, mules, asses, sheep, goats, and swine over six months old, owned on the 31st day of December of the preceding year.

Oath.

Sec. 4. The statement required by Section 3 of this act shall be signed by the person making it and he shall be required by the assessor or deputy assessor to swear to the same before him, who is hereby authorized to administer the necessary oath, which shall be in substance as follows: I———do hereby solemnly swear (or affirm) that the above schedule contains a full and correct statement concerning all the matters and things therein inquired of me to the best of my knowledge and belief”

Penalty for refusal to furnish information

Sec. 5. Any person who is required by this act to give information and refuses, upon proper request so to do shall be subject to a penalty of not less than five dollars nor more than two hundred dollars to be recovered by suit in any court of competent jurisdiction upon complaint of any person before

such court and it shall be the duty of the district or county attorney of the proper county to prosecute such suit at the expense of the county for the use of the school fund of such county.

Sec. 6. Each county assessor shall accurately compile, foot up and return to the county clerk of his county at the time when he returns the assessment rolls, a tabulated statement of the statistics mentioned in Section 3 of this act; he shall also add to such compilation and return to the county clerk of his county at the same time a carefully tabulated estimate for the preceding year of the amount that has been expended in each town and city in his county and throughout his county for buildings, private and public respectively amount expended for public works, the number and kinds of industrial concerns with the number of people employed and the amount of wages paid, the value of their plants, the amount and value of their annual product, horse power employed, how acquired whether by steam, water or other means, capital invested the number of stores of each kind respectively in each town, city and county, capital invested, amount of annual sales, number of employes, wages paid, population of each town and city in his county and the population of his county. The assessors and their deputies shall receive such compensation for the services herein required as the county courts may determine. And each county clerk shall without delay forward such tabulated statements and estimates to the territorial statistician, who shall compile the same and on or before the first day of October transfer them to the secretary of the Territory. The territorial statistician shall also and at the same time furnish the secretary further statistics of the Territory showing the number of miles of railway main lines and sidings, miles of street railway and kinds of motive power with mileage of each, number of companies engaged in each kind of mining, capital invested, number of hands employed, amount of wages paid, annual output in tons and value, number of smelters and stamping mills, average cost of reducing ores, number of hands employed, wages paid, tons reduced, and number of, nature and capital of all new business enterprises and incorporations of the preceding year, also the selling prices in the principal markets of the Territory of the various kinds of produce, fruits stock, annual products and leading articles manufactured in this Territory. And the secretary of the Territory shall cause to be printed on or before the first day of December in each year, of the compiled statistics received from the territorial statistician five thousand copies for distribution by himself and the statistician, a reasonable number thereof to be given to the various chambers of commerce and kindred organizations and each county of the Territory.

Assessor's statements.

Compensation.

Additional statistics.

Printing and distribution.

Approved March 13, 1890.

CHAPTER XLIV.

TERRITORIAL BONDS.

AN ACT providing for the issuing and disposing of Territorial Bonds.

SECTION 1. Whereas, for the purpose of completing the buildings for public institutions already established, namely the Agricultural College at Logan, the Reform School at Ogden, the University and Deaf Mute Institute, the buildings of the Deseret Agricultural and Manufacturing Society at Salt Lake City and Asylum for the Insane at Provo, all of which are incomplete, and whereas the current revenue of the Territory is insufficient for the purposes named, Therefore

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah That the governor shall nominate, and by appointment of loan commissioners, and with the advice and consent of the Legislative Council appoint five persons who shall constitute a board of commissioners to be styled the Loan Commissioners of the Territory of Utah, and shall exercise the powers and perform the duties hereinafter provided. *Provided*, in case of vacancy in the office of any of said commissioners by death resignation or otherwise such vacancy shall be filled by the said board.

Sec. 2. It shall be and is hereby declared the duty of the loan commissioners to provide for negotiating a loan for the Territory in a sum not to exceed three hundred thousand dollars (\$300,000) by the issuing of negotiable coupon bonds of this Territory. *Provided*, that said commission shall not issue bonds for a greater sum than shall be set apart in appropriations at this session of the Legislature for the aforesaid purposes.

Sec 3. Said bonds shall be issued in the denomination of one thousand (\$1,000) dollars and shall bear interest at a rate to be fixed by said loan commissioners, but in no case shall exceed five per cent. per annum which shall be paid semi-annually on the first day of January and July of each year at the Deseret National Bank in Salt Lake City, Utah Territory or at such bank in the city of New York State of New York as may be designated by said loan commissioners, at the option of the purchasers of said bonds, place of payment to be mentioned in the bonds the principal of said bonds shall be payable in lawful money of the United States within twenty years after the date of the issue; they shall bear the date of their issue, state when, where and to whom payable, the rate of interest and shall be signed by the governor, secretary and auditor of public accounts and have the seal of the Territory affixed thereto, and countersigned by the territorial treasurer, and bear his official seal, and shall be registered by the terri-

torial auditor in a book kept by him for that purpose, and the faith and credit of the territory is hereby pledged for the payment of said bonds and the interest accruing thereon as herein provided.

Sec. 4. Coupons for the interest shall be attached to each bond so that they may be removed without injury or mutilation to the bond; they shall be consecutively numbered and bear the same number as the bond to which they are attached. The said coupons shall cover the interest expressed in said bond from the date of the issue until paid; but in no case shall said bonds bear interest nor shall any interest be paid thereon for any time before their delivery to the purchaser as hereinafter provided. Coupons.

Sec. 5. Whenever the said loan commissioners shall have arranged to make a loan of said sum of three hundred thousand dollars (\$300,000) or any part thereof, they shall direct the territorial treasurer to advertise for a sale of the bonds to be issued for that purpose, by causing a notice of said sale to be published for the period of one month in three daily newspapers published in Salt Lake City Utah Territory, and at least ten insertions in a newspaper published in New York city in the State of New York, in the city of San Francisco, in the State of California, and in the city of Boston, State of Massachusetts; such notices shall specify the amount of bonds to be sold, the rate of interest they shall bear, the place, day and hour of sale and that bids will be received by said treasurer for the purchase of said bonds within one month from the expiration of said publication in Salt Lake City papers. At the place and time named in said notice, the said treasurer and loan commissioners shall open all bids received and shall award the purchase of said bonds, or any part thereof, to the highest bidder or bidders therefor; but in no case shall said bonds be sold for less than their face or par value, and the accrued interest at the time of their disposal; *Provided*, That said loan commissioners shall have the right to reject any and all bids, and, *provided further*, that they may refuse to make any award unless sufficient security shall be furnished by the bidder or bidders for the compliance with the terms of their bids. Sale of Bonds.

Sec. 6. When a sale of said bonds or any of them shall be awarded by the loan commissioners, they shall provide the necessary engraved bonds as in this act provided, and any expense incurred by them for the publication of said notices, costs of remitting funds for the payment of interest or money on said bonds and all other incidental expenses under the provisions of this act, shall be paid out of the general fund of the Territory upon the order of the territorial auditor, and a sum of money sufficient to cover said costs and expenses is hereby appropriated out of said funds. They shall from time to time after signing said bonds, deliver them to the territorial Bids.

treasurer, taking his receipt therefor and charge him therewith. Before the issuance of any such bonds the said treasurer shall give to the Territory of Utah an additional official bond with two or more sureties in the sum of three hundred and twenty-five thousand (\$325,000) dollars which bond shall be approved by the governor and deposited and filed with the secretary of the Territory, and recorded by him in a book to be kept for that purpose. And the said treasurer shall stand charged upon said bond and his official bond for the faithful performance of the duties required of him under this act.

Sec. 7. The territorial auditor shall draw his warrant on the territorial treasurer for the amount of interest which shall fall due on the first day of January and June of each year, which said interest warrant shall be drawn at least one month previous to the maturing of the interest, and the sum of fifteen thousand (\$15,000) dollars annually or so much thereof as may be necessary, is hereby appropriated and set aside from the general fund of the Territory from year to year, to pay the interest upon said bonds.

Sec. 8. At the expiration of ten years after the issuing of said bonds there shall be set apart and is hereby appropriated out of the general funds in the hands of the territorial treasurer annually the sum of thirty thousand (\$30,000) dollars to be drawn on the warrant of the auditor to pay the principal of said bonds as the same shall fall due or be called for as provided in this act. Said amount shall be held and placed by the treasurer in a fund to be known as the redemption fund for the redemption of said bonds; *Provided*, that the provisions of this section shall not be construed to prohibit the legislature from making provisions for the redemption of any or all of said bonds after the expiration of said ten years.

Sec. 9. Whenever, after the expiration of ten years from the date of issuance of any bonds under this act there is available as provided in the last preceding section the sum of thirty thousand (\$30,000) dollars or more, it shall be the duty of the territorial treasurer to advertise that he will redeem certain bonds the numbers of which shall be stated as in the manner of the advertising by the loan commissioners for bids for the sale of bonds, which advertisement shall state the amount of money in the said redemption fund and the number of bonds, numbering them in the order of their issuance commencing at the highest number then outstanding, which such fund is set apart to pay and discharge, and the date when they will be paid, and if such bonds so numbered in such advertisement shall not be presented for payment and cancellation at the expiration of the date mentioned in the publication then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the

Treasurer's bond.

Payment of interest.

Appropriations.

Redemption fund.

Payment of bonds.

expiration of the date mentioned in such publication. Before any such bond shall be paid they shall be presented to the territorial auditor who shall endorse on each bond the amount due thereon and shall write across the face of each bond the date of its surrender and the name of the person surrendering. Duties of auditor and treasurer. The territorial treasurer shall within ten days after the sale of any such bonds, file with the territorial auditor a verified statement showing their number, rate of interest, date and amount of sale when, where and to whom payable and the territorial auditor shall keep a record of all bonds issued and disposed of by the territorial treasurer showing their number, rate of interest, date and amount of sale, when, where and to whom payable, and when presented for redemption, the date amount due thereon, and person surrendering.

Sec. 10. It shall be the duty of said board of loan commissioners to make a full report of all their proceedings and under the provisions of this act, biennially to the territorial legislative assembly during the first week of the session. Biennial report.

Sec. 11. No bonds issued under the provisions of this act shall be taxed for any purpose within this Territory. Exempt from taxation.

Sec. 12. This act shall be in force from and after its approval.

Approved March 13. 1890.

CHAPTER XLV.

PRIVATE CORPORATIONS.

AN ACT amending Sections 2268, 2272, 2273 and 2277 of the Compiled Laws of Utah, 1888, relating to Private Corporations.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections 2268, 2272, 2273 and 2277 of the Compiled Laws of Utah, 1888, be, and the same are amended as follows;

Section 2268, is, amended by inserting between the words "resignation" and "and," in the fifteenth line of the section the following words; "how many of the entire board of directors or trustees shall be necessary to form a quorum and be authorized to transact the business, and exercise the corporate powers of the corporation." Quorum.

Section 2272 is amended by striking out the words "officers elected" in the fifteenth line of the section and substituting in lieu thereof the words, "directors or trustees selected." Also by striking out from the twentieth, twenty-first, twenty-second and twenty-third lines of said Section 2272 the following words; "a majority of the whole number of directors or trustees shall form a board for the transaction of business, and every decision of a majority of said board," and in-

serting in lieu thereof the following words; "the number of directors or trustees named in the agreement of incorporation as being sufficient to form a quorum for the transaction of business shall form a board, providing that a quorum shall not be less than one-fourth of the whole number of directors or trustees, and every decision of a majority of the board so formed."

Section 2273 is amended by striking out the word "thirteen" at the end of the thirteenth line of the section and substituting in lieu thereof the words "twenty-five."

Section 2277 is amended to read as follows;

Removal of officers.

Section 2277 s. 11. The directors, trustees or other officers may be removed from office for misconduct in the manner prescribed by the agreement of incorporation or the by-laws, and all such officers after being qualified to act may continue to act unless removed for misconduct until their successors are elected or appointed and qualified.

Sec 2. This act shall take effect upon its approval.

Approved March 13, 1890.

CHAPTER XLVI.

USURPATION OF OFFICE.

AN ACT amending Sections 3529, 3750 and 3754 of the Compiled Laws of Utah, 1888, relating to Actions for the Usurpation of Office and for contesting certain Elections.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections 3529, 3750 and 3754 of the Compiled Laws of Utah, 1888, be and they are amended as follows:

Section 3529 of said Compiled Laws is amended by striking out the word "or" between the words "precinct" and "city" in the seventh line of the section, and by inserting after the word "city" in said seventh line the following words: "or school district, or any subdivision of either."

Section 3750, of said compiled laws is amended by striking out the word "or" in the first line of the section, and by inserting after the word "city" in the second line of the section, the following words: "or school district, or any subdivision of either." Subdivision 1 of Section 3754 of said Compiled Laws is amended to read as follows:

1. The name of the party contesting such election, and that he is an elector of the county, precinct, city, school district, or of any subdivision of either, as the case may be, in which the election was held.

Subdivision 4, of said Section 3754 of said Compiled Laws is amended to read as follows:

Contests.

4. The particular grounds of such contest, which statement must be verified by the affidavit of the contesting party, that the matters and things therein contained are true, except Grounds of contest. as to those matters therein stated upon his information or belief, and that as to those matters he believes it to be true.

Sec. 2. This act shall take effect upon its approval.

Approved March 13, 1890.

CHAPTER XLVII.

CIVIL ACTIONS.

AN ACT amending Section 3200 s. 257 of the Compiled Laws of Utah of 1888, relating to the place of trial of civil action.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 3200. s. 257. of the Compiled Laws of Utah, 1888 is hereby amended to read as follows:

When an order is made transferring an action or proceeding for trial, the clerk of the court, or justice of the peace Change of venue. must transmit the pleadings and papers therein, to the clerk or justice of the court, to which it is transferred. And also the cost and fees thereof, and of filing the papers anew, must be paid by the party at whose instance the order was made. *Provided,* Costs. that when said order is made for the reason that the cause was commenced in the wrong judicial district, and this appears affirmatively upon the face of the complaint said costs of transfer and filing the papers anew shall be paid by the plaintiff in the action within ten days after the making of such order or said cause dismissed for want of jurisdiction.

Sec. 2. This act shall take effect upon its approval.

Approved March 13, 1890.

CHAPTER XLVIII.

EQUALIZATION OF TAXES.

AN ACT providing for the Equalization of Territorial and Territorial School Taxes.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the Territorial Board of Equalization of Assessment of Territorial and Territorial Territorial board of equalization. School Taxes is hereby created for the years 1890 and 1891 to consist of seven members to be appointed by the governor and confirmed by the Legislative Council.

Sec. 2. Said board of equalization shall meet at the

office of the territorial auditor of public accounts, in Salt Lake City, at 12 o'clock noon, on the third Monday in June of each year, and a majority of said board shall constitute a quorum, to do business. At the first meeting of said board a chairman and a secretary shall be appointed from their number.

Sec. 3. The said board may appoint a committee of its members to visit the several counties of the Territory with power to hold examinations, hear testimony and make reports to the board. The board or any committee thereof may issue subpœnas, requiring the attendance of witnesses and the production of books and papers.

It shall be the duty of any officer authorized to serve subpœnas to serve the same on request of the board or a committee thereof, or the board or a committee thereof may authorize any competent person to serve subpœnas. All persons served with a subpœna shall appear before the board or a committee at the time and place required, and be sworn and give testimony and produce such papers and documents as may be required, and any person failing to obey a subpœna shall be liable to a fine of not more than fifty dollars, to be recovered on complaint of the prosecuting attorney of any county, before any court having jurisdiction. The board shall have power to audit the fees of officers and witnesses and they shall be paid as other expenses in accordance with the provisions of this act.

Sec. 4. The county clerk of each county in this Territory shall, on or before the third Monday in June of each year, prepare and forward to the auditor of public accounts, for the use of the board of equalization, a copy of sufficient number of pages from the county assessment roll of his county to show at least two pages of the assessment of property in each precinct of this county. Said board of equalization is authorized to call upon the county clerk of any county for a copy of any further portion of the assessment roll of such county whenever they may deem it necessary; and the county clerk so requested, shall immediately prepare a copy of the pages of said assessment roll designated by said board, to which shall be attached his certificate of the correctness of said copy, and transmit the same to said board. Said board, in the performance of its duty, may visit any part of the Territory; and shall also have power to administer oaths by its chairman or secretary, to summon to its aid the assessor of any county, or any other person, and examine him or them under oath, and also examine said copies of the assessment roll in order to ascertain the actual and the assessed values of taxable property, both real and personal, comparing one county with another.

Sec. 5. Said board shall make such changes in the assessed valuation as between the several counties by increasing or decreasing the same such per cent as may be necessary to equalize the assessment of such county with the assessment of

Time of meeting.

County meetings.

Subpœna.

Penalty.

To audit fees.

Assessment roll.

Powers of board.

Equalization of taxes.

other counties; *Provided*, that the county court of any county in which it is proposed to increase the assessed valuation, shall have not less than fifteen days notice to appear by representative and resist such increase and *Provided further*, that when the assessment of real and personal property in the Territory as made by the several county assessors is completed the grand total of such assessments shall remain unchanged, but the equalization shall be made without changing said total.

Notice.

The total to remain unchanged.

Sec. 6. The action of said board of equalization on the assessed valuation of the property in any county of this Territory for the years 1890 and 1891 shall be final.

Action of board final.

The said board shall finish its labors and file a full and complete report of all the changes made by it with the auditor of public accounts on or before the first day of August of each year, and immediately thereafter the secretary thereof shall give notice to the county court of each county of the action of said board affecting such county.

Final report.

Sec. 7. On receipt of said notice of the action of the board of equalization, each county court shall cause said notice to be entered upon its records, and if changes have been made by said board, the county clerk shall thereupon enter such changes upon the assessment roll by adding to or taking from the assessed valuation of property in the county such per cent as said notice shall designate, and give notice, by publication in some newspaper having general circulation in the county, and by causing a notice of such change to be posted in at least three public places in each precinct of said county.

Changes on assessment roll.

Sec. 8. The said board of equalization shall furnish to the legislative assembly of the Territory within the first two weeks of its session, a report of its official proceedings under this act, with such recommendations as it may deem proper.

Shall report to legislature.

Sec. 9. Each member of said board shall receive for his services while actually engaged in the work of equalization five dollars per day and ten cents per mile, one way only, and each person summoned as witness or aid shall receive three dollars per day, and the same mileage allowed to members of the board.

Compensation.

Sec. 10. The territorial auditor of public accounts shall audit the accounts of said board of equalization for per diem and mileage and draw his warrants for the amount due which shall be paid out of the territorial treasury and the sum of \$5,000.00 or so much thereof as may be necessary, is hereby appropriated for the payment of such per diem and mileage.

Auditing accounts.

Approved March 13, 1890.

CHAPTER XLXIX.

COUNTY RECORDERS TO FURNISH ABSTRACT OF MORTGAGES TO ASSESSORS.

AN ACT requiring the several county recorders of the counties of Utah Territory, to furnish abstracts of mortgages to the assessors of the counties in which the mortgagee resides.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That during the month of January of each year the county recorders of the several counties of Utah Territory, are hereby authorized and required to transmit a certified abstract of all mortgages remaining uncanceled and appearing of record, on the records of their several counties to the assessor of the county in which the mortgagee resides. Said abstract to contain, name of mortgagor, name of mortgagee, date of mortgage, when due, amount for which given, with the residence of mortgagor and mortgagee.

Abstract.

Sec. 2. Each recorder shall receive for his services the sum of twenty-five cents for each mortgage thus abstracted and transmitted, half of such amount to be paid out of the county treasury of the county whose assessor is supplied with said abstracts in accordance with the provisions of this act, and the other half of such amount to be paid out of the territorial treasury, and the auditor of public accounts is hereby required to draw his warrant in favor of the county recorder for any such amount upon receipt of such recorders bill therefor duly verified.

Recorder's compensation.

Approved March 13, 1890.

CHAPTER L.

LAYING OUT AND PLATTING TOWNS.

AN ACT concerning the Laying Out and Platting of Towns.

SECTION. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That it shall be lawful for any owner or owners of any land, or any trustee or trustees selected by such owners to lay out and plat such land into lots, streets, alleys, and public places.

Sec. 2. Whenever any lands are hereafter laid out and platted as mentioned in Section one, the owner or owners of the same, or any trustee or trustees selected by such owner or

owners shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing:

First—All the parcels of ground so laid out and platted ^{Map.} by their boundaries, course and extent, and whether they are intended for avenues, streets, lanes, alleys, commons or other public uses, together with such as may be reserved for public purposes.

Second—All lots intended for sale by numbers and their precise length and width.

Sec. 3 Such map or plat shall be acknowledged by such owner or owners, or trustee, before some officer authorized by law to take the acknowledgment of conveyances of real estate, and certified by the surveyor making such plat, and shall be filed and recorded in the office of the county recorder of the county in which the said lands so platted and laid out are situated. ^{Acknowledgment required.}

Sec. 4. Such maps and plats when made, acknowledged, filed and recorded with the county recorder shall be a dedication of all such avenues, streets, lanes, alleys, commons or other public places or blocks, and sufficient to vest the fee of such parcels of land as are therein expressed, named or intended for public uses for the inhabitants of such town and for the public for the uses therein named, or intended. ^{Dedication of streets, etc.}

Sec. 5. If any person shall sell or offer for sale any lot so platted according to said plat within any town or addition, before the map or plat thereof is made out, acknowledged, filed and recorded as aforesaid, such person shall forfeit to the county in which such town or addition is located, a sum not exceeding three hundred dollars, for every lot which he shall sell. Such a forfeiture shall be recovered in the name of such county in an action brought by the prosecuting attorney thereof. ^{Pena. ty.}

Sec 6. This act shall take effect upon its approval.

Approved March 13, 1890.

CHAPTER LI.

ENTRY BOOK TO BE KEPT BY COUNTY RECORDER.

AN ACT amending Subdivision first of Section 145 s 8 of the Compiled Laws, of Utah of 1888 relating to Recorders.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That, Subdivision first of Section 145 s. 8 of the Compiled Laws of Utah of 1888 is amended to read as follows:

First. An entry book in which he shall immediately upon receipt of any instrument or paper writing to be recorded, or upon the entry upon the margin of any record of any cancella-

tion satisfaction or discharge of any instrument in writing enter in the order of its reception or entry as the case may be the names of the parties thereto, its date the day of the month, the hour and year of filing any such instrument or marginal entry, and a brief description of the premises endorsing upon each instrument and marginal entry a number corresponding with the number of such entry.

Approved March 13, 1890.

CHAPTER LII.

RAILWAY COMPANIES TO MAINTAIN FENCES AND CATTLE GUARDS.

AN ACT to amend Section 2349, s. 35, of the Compiled Laws of Utah of 1888 relating to Railroad Corporations.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2349 of the Compiled Laws of Utah of 1888 is hereby amended to read as follows:

Sec. 2349. s. 35. Each and every railway or railroad corporation operating a railroad or any part of a railroad within this Territory is hereby required to erect within ninety days after the approval of this act, and thereafter maintain a good and lawful fence on each side of such railroad, where such railroad passes through lands owned and settled or occupied by private owners, with good and sufficient cattle guards at all street or road crossings, to prevent live stock from getting upon such railroad, and any such corporation failing to build and maintain fences and cattle guards as aforesaid shall be liable to the full value of all damages sustained by the owner or owners of any live stock killed or injured by the engine or cars of such corporation, with interest on such damages from the date of the killing or injuring of such live stock.

Approved March 13, 1890.

CHAPTER LIII.

CHAIR OF GEOLOGY AND MINERALOGY IN DESERET UNIVERSITY.

AN ACT establishing a chair of Geology and Mineralogy in the University of the State of Deseret.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That there be created in the University of the State of Deseret a chair of geology and mineralogy.

Sec. 2. The chancellor and board of regents of said University shall select and appoint a suitable person to fill

Liability of railroad companies.

Appointment.

said chair at a salary not exceeding fifteen hundred dollars ^{Salary.} per annum to be determined by said board of regents, payable quarterly.

Sec. 3. The object of the creation of said chair shall be ^{Objects.} First—the delivery under the direction of the chancellor and board of regents of the University of lectures on geological, mineralogical, meteorological, metallurgical and kindred subjects to advanced students of the University and to residents of Utah. Second—the formation of natural science collections and a natural science library to be located in said Territory, especial attention therein to be given to the mineral resources and building material of the Territory. Third—to form the basis of a future school of mines.

Sec. 4. There is hereby appropriated by the Territory to carry out the provisions of this act for the years 1890 and 1891 the sum of three thousand dollars or so much thereof ^{Appropriation.} as may be necessary.

Sec. 5. This act to take effect upon approval.

Approved March 13, 1890.

CHAPTER LIV.

ORGANIZATION AND DISINCORPORATION OF TOWNS.

AN ACT amending Sections 1824, 1825, 1826 and 1828 of the Compiled Laws of Utah 1888, relating to the organization of Towns; and enacting new sections relating to the government, and disincorporation of Towns to be numbered 1828, a. 1828, b. 1828, c. and 1828, d.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections 1824, 1825, 1826 and 1828 of the Compiled Laws of Utah 1888 are hereby amended, and new sections to be numbered 1828, a. 1828, b. 1828, c. and 1828, d are enacted as follows: Subdivision 2 of said section 1824, is amended to read as follows:

Section 1824. s. 6. 2. To make regulations to secure the general health of the town. To prevent the introduction of ^{Powers of Board of Trustees.} contagious, infectious or maglignant diseases therein, and to make quarantine laws and enforce the same within the corporate limits and within one mile thereof. To prevent, abate and remove nuisances, and to adopt such other measures for the preservation of the public health as they may deem proper.

Subdivision 4, of said Section 1824 is amended to read as follows:

4. Restrain from running at large; horses, asses, mules, cattle, sheep, goats, swine and all kinds of poultry, in such ^{Same.} towns, under such penalties and regulations as may be prescribed by the ordinances of such towns.

Subdivision 6 of said Section 1824 is amended to read as follows:

Same.

6. To license, tax and regulate the manufacturing, vending or giving away of any spirituous, vinous, fermented or intoxicating liquors or beverages, and the use of billiard, bagatelle, pigeon hole and any other tables or implements kept or used for a similar purpose, and to license and regulate hotel and tavern keepers, eating houses, restaurants, merchants, grocers, peddlers, butchers, slaughterers, druggists, apothecaries, sugeons, physicians, dentists and photographers.

Subdivision 7 of said Section 1824 is amended to read as follows:

Same.

7. To license and regulate all exhibitions of showmen, concerts, theatricals, circuses, traveling shows, public dances and amusements, and to suppress any of the foregoing which are indecent.

Subdivision 12 of said Section 1824 is amended to read as follows:

Same.

12. To lay out, construct, open, grade, pave and otherwise improve streets, lanes, alleys, sidewalks and crosswalks, and to prohibit the encumbering of the same with any material whatever, and to prohibit riding or driving on sidewalks, except to cross the same.

Subdivision 13 of said Section 1824 is amended to read as follows:

Same.

13. To lay out, construct, open and keep in repair canals, water ditches, or water pipes for irrigation, domestic or other use for the inhabitants of such town, and to annually assess and collect a water tax for said purposes, upon the real property in said town benefited thereby.

Section 1825 is amended to read as follows:

Enforcement of ordinances.

Sec. 1825. s. 7. To enforce obedience to the ordinances of the town, the board of trustees may ordain and provide such fines, forfeitures and penalties as they may deem proper to be prosecuted before any justice of the peace of the county in which any such town may be situated in the name of the corporation, and all expenses incurred in prosecutions for the recovery of any fine, forfeiture or penalty shall be paid by the corporation, and all fines and forfeitures when collected shall be paid to the corporation as may be provided by ordinance.

Fines and costs.

Provided, the fine or penalty shall be less than one hundred dollars, and the imprisonment shall not exceed three months, and *provided further*, that in case the fine and costs, or either, are not paid, the court before whom the conviction is had may order the person committed to the county jail until such fine or penalty and costs are fully paid, but under no circumstances shall a person be imprisoned for one conviction for more than three months, but during such imprisonment may be kept at hard labor. The expense of boarding such prisoner shall be paid by the corporation; *Provided further*,

that justices of the peace before whom any case is tried, shall hold court in the town where the offense was committed.

The board of trustees are hereby authorized to erect a jail for said town, and when erected persons committed for violation of said ordinances shall be imprisoned in said jail. City jail.

Section 1826 is amended to read as follows:

Sec. 1826. s. 8. The clerk of the board of trustees in each town shall have the custody of and safely keep the corporate seal, records, books and papers thereof entrusted to him by the board of trustees and shall attend all meetings of the board, and record all their proceedings; and he shall audit all accounts allowed by the board, and shall annually make, and keep posted in his office, a statement showing the financial condition of the town, including all receipts and disbursements, debts due to, or owing by the town, the names of the parties to or from whom such debts are due, and on what account such debts were contracted, the source from which all receipts were received and upon what accounts such expenditures were made; and he shall perform such other duties as may be required of him by the board of trustees. Duties of clerk.

Section 1828 is amended to read as follows:

Sec. 1828. s. 10. On petition in writing signed by not less than three-fourths of the taxpayers of any town, as shown by the assessment roll the previous year to the board of trustees praying for the disincorporation of such town, it shall be the duty of said trustees to submit such question to the electors, at the next election for such town, and to give notice thereof by publication in a newspaper having general circulation in such town, at least once a week for four successive weeks and by posting notices in at least five public places in such town, for at least thirty days prior to such election; *Provided* the question of disincorporating the town shall not be submitted at any election unless the obligations and liabilities of such town shall have been fully settled. Such notices shall distinctly state the proposition to be voted for and the time and place of the election. The electors shall be notified thereby to vote on the proposition by placing upon their ballots the words "for disincorporation" or "against disincorporation." The election shall be conducted, the votes canvassed and the returns made in the same manner as provided by law for the holding and conducting of elections in such town. Disincorporation.
Notice.
Proviso.

A new section to be numbered 1828. a. is enacted as follows:

Sec. 1828 a. s. 11. If three-fourths of all the votes cast at such election shall be "for disincorporation" the corporate existence of such town shall be ended and the officers elected at such election shall not qualify, and the terms of office of the incumbent officers shall immediately expire. Number votes required.

A new section to be numbered 1828. b. is enacted as follows:

Section 1828. b. s. 12. The retiring officers of such disincorporated town shall deposit with the treasurer of the county in which such town is situated, all records, books, maps and other personal property belonging to said town, and all moneys, accounts, notes, and other property, both real and personal, belonging thereto, shall vest in said county, in trust for the inhabitants of said town, and said county is hereby empowered to sue in its name, as such trustee, for the collection of all debts, accounts and claims which were due and owing to the said town at the time of such disincorporation. The county as such trustee, may sell and convey any real or personal property so vesting by reason of such disincorporation, and shall dispose of all moneys obtained by such sale, or otherwise, from any such property or debts, in the improvement of sidewalks, public squares, parks or cemeteries, in or owned by the said town, *provided*, that the necessary expenses incurred by the county in closing up and settling the business of such disincorporated town shall be deducted from the money so obtained, before such disposition shall be made.

Disposal of property.

Expenses.

A new section to be numbered 1828. c. is enacted as follows:

Section 1828. c. s. 13. Whenever any town is disincorporated as herein provided, it shall be the duty of the retiring president of such town to have recorded in the office of the county recorder of the county in which such town is situated, copies of said petition and of the order of the board of trustees submitting the proposition to the electors, and certified copies of said notices with proper affidavits showing the posting and publication of the same, and the number of votes cast for and against disincorporation; and such president shall further make publication of such disincorporation for at least four successive weeks in some newspaper having general circulation within this Territory.

Duties of retiring president.

A new section to be numbered 1828. d. is enacted as follows:

Section 1828. d. s. 14. This act shall take effect upon its approval.

Approved March 10, 1890.

CHAPTER LV.

TRESPASSING ANIMALS.

AN ACT providing for the Disposal of Estrays and Animals for Trespass and Damages.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any county or precinct thereof may at any general or special election called for that purpose by the county court by a vote of not less than two-

Elections.

thirds of the taxpayers voting at such elections declare in favor of fencing their farms and allowing their animals to run at large, in such cases the provisions of this act authorizing the detention and sale of animals for damages shall be inoperative.

Sec. 2. All horses, mules and neat cattle regardless of age, except sucking calves and colts found running at large on which there is no brand, and all such animals branded, the owner of which after reasonable search cannot be found, and which have been running at large on any range in this Territory for one year or more, and any hogs running at large on the premises of any person not the owner are hereby declared to be estrays. Estrays.

Sec. 3. It is hereby made the duty of the constable of any precinct to take up any estrays in said precinct, and after advertising them (giving therein a general description) for ten days he shall sell the same at public auction to the highest bidder for cash, and after deducting costs and expenses of keeping and sale shall deposit the balance of the proceeds of sale with the justice of the peace to be by him disposed of as in case of the sale of animals for damage as hereinafter provided. Sale of e-strays.

Sec. 4. If any neat cattle, horses, mules, sheep, goats or hogs, shall trespass or do damage upon the premises of any person except in cases where said premises are not enclosed by a lawful fence in districts or places where a fence is required by law, the party aggrieved may recover damages by an action at law against the owner of the trespassing animals or by proceeding as provided in this act. Damages.

Sec. 5. The owner or occupant of any improved real property may distrain all animals doing damages on such property and keep them in some secure place, and properly care for the same and shall notify the owner, if known, and if he resides within a distance of five miles from the place where the animals are distrained, and if all damages are not paid within forty-eight hours after taking said animals he shall file a verified complaint in writing in the justice's court of the precinct in which the trespass was committed substantially in the following form: Distrained animals.

In the justice's court of——precinct——county, Utah Territory——(name of the person damaged)——plaintiff——vs.——name of the owner of the animals, if known; if not known: John Doe——defendant——The said plaintiff being first duly sworn on his oath says that certain animals to wit (here describe the animals) now at (state the place which shall be in the precinct) on the——day of ——A. D. 189— at ——precinct, county and Territory aforesaid belonging to (here state the name of the owner of the animals if known or if not known John Doe whose name is otherwise unknown) defendant did unlawfully trespass on the property of said plaintiff by (here Form of complaint.

state the acts causing the damage.) to his damage in the sum of——dollars. That no part of said damage has been paid
 _____ Plaintiff _____

Subscribed and sworn to before me this——day of——
 A. D. 189——

Upon filing said complaint said justice shall post up in some conspicuous and accessible place in front of his office and near thereto a written statement containing a description of said animals, the name of the person damaged, the place where said animals are detained and the amount of the damages claimed by the party aggrieved.

Sec. 6. If the damages including expense of case and keeping of said animals and costs of the justice's court are not paid within forty-eight hours after the filing of said complaint, the justice shall issue a summons addressed to the defendant by name if known, if not known to John Doe, requiring him to appear on a specific day (naming it) not less than five nor more than ten days from the issuance of the summons, which said summons shall contain a description of the animals and in other respects shall be substantially as provided by law in such cases. If the defendant is known the summons shall be served and return thereof made in the manner provided by law in justices courts in civil cases. If the defendant be unknown service shall be made by publishing a copy of the summons in some newspaper published in the county if there be one published, if not by posting a copy thereof in some conspicuous and accessible place in front of the justice's office and near thereto for a period of at least five days prior to the day set for appearance. When service is made by publication or posting as provided in this section proof thereof shall be made by affidavit which affidavit shall be attached to the original summons.

Sec. 7. From the time of the service of the summons and proof thereof as provided in the preceding section, the proceedings shall be conducted in the same manner as provided by law for the conduct of civil cases in justices courts and the damages and expenses in caring for and keeping said animals and costs of court shall constitute a lien upon said animals from the time they were taken up until judgment for said damages, expenses and costs are fully satisfied and said animals or so many thereof as may be necessary may be sold upon execution for the satisfaction of said judgment, and no such animal shall be exempt from execution. *Provided*, that the fees allowed in said justices court under the provisions of this act, shall be one-half of those allowed in other civil cases in said courts.

Sec. 8. If the defendant is of the opinion that the damages claimed are excessive he may at any time after taking up the animal and before trial tender the plaintiff the amount he deems reasonable and if the plaintiff do not recover a greater

Posting of statement.

Summons.

Service.

Manner of conducting proceedings.

Fees.

Excessive damages.

sum than that tendered, the costs from the time of the tender shall be assessed against the plaintiff.

Sec. 9. After six months from the date of said sale the net proceeds thereof shall be paid into the county treasury of the county in which the sale was made after which said sum shall be the same as other county funds. If, however, the owner of said animals shall within six months from the date of sale, prove to the satisfaction of the justice who heard the case that he was the owner, said justice shall pay such net proceeds to such owner and report quarterly to the county court a list of all such cases, which report shall show the cases tried, number of animals sold, the amount sold for and disposition of the proceeds. Disposal of proceeds.

Sec. 10. Each poundkeeper in this Territory shall deliver to the justice of the peace of the precinct in which he resides all brand books or sheets in his possession. Duties of pound-keepers.

Sec. 11. Any person who shall take any animals out of the custody of the person holding them for damage as provided in this act or who shall intercept or hinder any person in taking up or attempting to take up such animals for doing damage is guilty of a misdemeanor. Penalty.

Sec. 12. The provisions of this act shall in no way interfere with existing legal rights of incorporated cities and towns in relation to animals running at large.

Sec. 13. Sections 2215 to 2232 inclusive of the Compiled Laws of Utah of 1888 and all laws providing for precinct poundkeepers and prescribing their duties are hereby repealed.

Sec. 14. This act shall take effect, upon its approval.

Approved March 13, 1890.

CHAPTER LVI.

LIENS TO PROTECT RANCHMEN, TAVERN KEEPERS AND OTHERS.

AN ACT to secure to ranchmen, tavern-keepers and other persons liens on personal property, and repealing Sections 2955, 2956 and 2957, of the Compiled Laws of Utah of 1888.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any ranchman, farmer, agistor, or herder of cattle tavern keeper or livery stable keeper, to whom any horses, mules, asses, cattle or sheep, shall be intrusted for the purpose of feeding, herding pasturing or ranching, shall have a lien upon such animals for the amount that may be due him for such feeding, herding, pasturing or ranching and shall be authorized to retain possession of such animals until the said amount is paid; and every hotel, tavern, boarding-house keeper or person who lets fur- Lien on stock.

Liens on baggage.

nished rooms, shall have a lien upon the baggage of his patrons, boarders, guests and tenants for the amount that may be due from any such persons for such boarding, lodging or rent, and he is hereby authorized to hold and retain possession of such baggage until the amount so due for boarding, lodging or rent or either is paid.

Liens for storage.

Sec. 2. Every warehouseman or other person who shall safely keep or store any personal property at the request of the owner or person lawfully in possession thereof, shall in like manner have, a lien upon all such property for his reasonable charges for the storage or keeping thereof, and for all reasonable and proper advances made thereon by him in accordance with the usage and custom of warehousemen.

Mechanics' liens.

Sec. 3. Any mechanic or other person who shall make, alter, repair or bestow labor upon any article of personal property, at the request of the owner of such property, shall in like manner have a lien upon such articles for his reasonable charges for the labor performed and for any materials furnished and used in making such alteration, repair or improvement.

Appraisement.

Sec. 4. If any such charges for which a lien is given by the three preceding sections be not paid within thirty days after the same became due and payable the person to whom such lien is given as aforesaid may apply to any justice of the peace of the county wherein he resides to appoint appraisers to appraise the several articles of personal property whereon such lien is claimed. Such justice shall thereupon appoint by warrant under his hand three reputable householders of the county not interested in the matter to appraise such property.

Same.

Section 5. The appraisers so appointed shall be sworn by the justice to well and faithfully appraise and value all such property, and shall thereupon proceed to appraise the same and shall return their appraisement wherein shall be set down each article separately, with the appraised value thereof to the justice by whom they were appointed, within ten days after their appointment. And the person causing such appraisement shall serve a copy thereof upon the person against whom such lien is claimed within ten days after such appraisement.

Sale.

Section 6. After such appraisement is made, the person to whom such lien is given by the foregoing sections may after giving ten days prior notice of the time and place of such sale, with a description of the property to be sold by publication in some newspaper published in the county wherein he resides (or if there be no such newspaper, then by posting in three public places within such county) and delivering to the owner of such personal property, or if he does not reside in the county, transmitting by mail to him, at his usual place of abode if known, a copy of such notice, proceed to sell all such

property, or so much thereof as may be necessary, at public auction, for cash at any public place within such county, between the hours of ten a. m. and four p. m. of the day appointed; and from the proceeds thereof may pay the reasonable costs of such appraisement, notice and sale, and his reasonable charges for which he has his lien, together with the reasonable cost of keeping such property up to the time of sale. The residue of the proceeds and of the property unsold he shall render to the owner. Costs, etc.

Sec. 7. No such sale shall be made for less than two-thirds of the appraised value of the article sold, nor without due notice, as required by the preceding section. Every such sale made in violation of the provisions of this section shall be void. Terms of sale.

Sec. 8. At such sale the person to whom such lien is given may become the purchaser.

Sec. 9. In any case where the property to be sold cannot conveniently be sold in one day, the sale may be continued from day to day by public outcry at the place of sale. Upon the completion of such sale, the person to whom the lien is given hereby, shall cause a sale bill thereof to be filed with the justice of the peace before whom such appraisement was had, in which shall be set down the sum for which each separate article of property was sold, and the name of the purchaser. The justice shall record such sale bill in his docket, and preserve the original thereof, together with the appraisement. Continuation of sale.

Sec. 10. Nothing in this act shall take away the right of action of the party to whom such lien is given, for his charges, or for any residue thereof, after sale of such property. Right of action.

Sec. 11. At such sale the person to whom such lien is given, as herein provided may appoint a crier. Crier.

Sec. 12. Appraisers appointed under the provisions of this act shall receive two dollars per day; justices of the peace shall receive for each warrant of appraisement, fifty cents; for receiving and recording each appraisement, twenty cents for one hundred words, and the like fees for recording each sale bill; criers at sales made under the provisions hereof, shall receive two dollars per day. Compensation.

Sec. 13. All acts or parts of acts in conflict with this act, and Sections 2955, 2956 and 2957 of the Compiled Laws of Utah of 1888, are hereby repealed, *provided*, nothing in this act contained shall affect any lien which may exist at the time this act shall take effect or take away the right or remedy to enforce the same, or affect any right or remedy which may exist under and by virtue of any law which may be repealed by this act; but all such liens or rights shall remain in full force and may be enforced in the same manner and to the same effect as if this act had not been passed. Repealing clause.

Approved March 13, 1890. Proviso.

CHAPTER LVII.

FORMS FOR DEEDS AND MORTGAGES, AND CANCELLATION OF MORTGAGES.

AN ACT concerning conveyances and providing for the cancellation and discharge of mortgages and deeds of trusts.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That conveyances of land may be substantially in the following form:

WARRANTY DEED.

A. B. grantor (here insert name or names and place of residence) hereby conveys and warrants to C. D. grantee, (here insert name or names and place of residence) for the sum of _____dollars, the following described tract of land in_____ county Territory of Utah (here describe the premises).

Witness the hand of said grantor this_____day of_____ A. D. _____

Signed in the presence of

Such deed, when executed and acknowledged as required by law shall have the effect of a conveyance in fee simple to the grantee, his heirs and assigns, of the premises therein named, together with all the appurtenances, rights and privileges thereto belonging, with a covenant from the grantor, his heirs and personal representatives, that he is lawfully seized of the premises; has good right, to convey the same; that he guarantees the grantee his heirs and assigns in the quiet possession thereof, that the same are free from all encumbrances and that the grantor, his heirs and personal representatives will forever warrant and defend the title thereof in the grantee, his heirs and assigns, against all lawful claims whatsoever. Any exceptions to such covenants may be briefly inserted in such deed, following the description of the land.

Sec. 2. That conveyances of land may also be substantially in the following form,

QUIT CLAIM DEED.

A. B. grantor (here insert name or names and place of residence) hereby quit claims to C D. grantee (here insert name or names and place of residence) for the sum of_____dollars,

the following described tract of land in———county, Territory of Utah, (here describe the premises.)

Witness the hand of said grantor this——day of——A. D.

Signed in the presence of

And such deed when executed and acknowledged as required by law shall have the effect of a conveyance of all right, title, interest and estate of the grantor in and to the premises therein described, and all rights privileges and appurtenances thereto belonging at the date of such conveyance. Effect.

Sec. 3. A mortgage may be substantially in the following form

MORTGAGE.

A. B. mortgagor (here insert name or names and place of residence State or Territory) hereby mortgages to C. D. mortgagee, (here insert name or names and place of residence) for the sum of——dollars the following described tract of land in——county, Territory of Utah (here describe the premises).

Form of mortgage.

This mortgage is given to secure the following indebtedness (here state amounts and form of indebtedness, maturity, rate of interest, by and to whom payable and where).

The mortgagor agrees to pay all taxes and assessments on said premises, and the sum of——dollars, attorney's fees in case of foreclosure.

Witness the hand of said mortgagor this——day of
——A. D.

Signed in presence of

And when executed and acknowledged as required by law, shall have the effect of a conveyance of the land therein described, together with all the rights, privileges and appurtenances thereunto belonging to the mortgagee, his heirs, assigns and legal representatives, for the payment of the indebtedness therein set forth, with covenant from the mortgagor that all taxes and assessments levied and assessed upon the land described, during the continuance of the mortgage, shall be paid previous to the day appointed for the sale of such lands for taxes, and may be foreclosed as now provided by law and with the same effect, upon any default being made in any of the conditions thereof as to payment of either principal, interest, taxes or assessments. Effect.

Sec. 4. A cancellation or discharge of a mortgage or deed of trust may be substantially in the following form.

CERTIFICATE OF DISCHARGE.

Form of cancellation.

This certifies that a (mortgage or deed of trust, as the case may be) from——to——dated——A. D.——and recorded in book——of——on page——has been fully satisfied by the payment of the debt secured thereby, and is hereby cancelled and discharged.

Signed in presence of

Recorder ——county

Filed and recorded——A. D.——at——m.

——County Recorder.

Effect.

Such cancellation or discharge shall be entered in a book kept for that purpose, and signed by the mortgagee or trustee, his attorney in fact executor, administrator or assigns, in the presence of the recorder or his deputy, who shall subscribe the same as a witness, and such cancellation or discharge, shall have the same effect as a deed of release duly acknowledged and recorded.

Form of acknowledgment.

Sec. 5. A certificate of acknowledgment to any instrument in writing affecting the title to any real property in this Territory may be substantially in the following form.

Territory of Utah }
County of—— } ss.

On the——day of——A. D.——personally appeared before me——the signer of the above instrument who duly acknowledged to me that he executed the same.

Effect.

Such certificate when properly executed by an officer authorized to take acknowledgments to instruments in writing affecting the title to real property in this Territory, and attached to a conveyance in writing, shall be a sufficient acknowledgment, proof and certificate that such conveyance was executed as required by law.

Private seals.

Sec. 6. Hereafter it shall not be necessary to use private seals on any instrument of writing in this Territory.

Sec. 7. All acts and parts of acts in conflict with the provisions of this act are repealed.

Sec. 8. This act shall take effect upon its approval.

Approved March 13, 1890.

CHAPTER LVIII.

WORLD'S FAIR COMMISSIONERS.

AN ACT to provide for the appointment of Commissioners to the World's Fair.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the governor of the Territory shall appoint three suitable persons to represent the Territory of Utah as commissioners at the next World's Fair that may be held in the United States in the year 1892 or thereafter. Appointment.

Sec. 2. The said commissioners shall have power to receive and collect subscriptions of money, collections of samples of the products of the Territory, specimens of minerals, structural materials and other natural resources of the Territory of Utah, and to apply for and secure sufficient space for proper exhibition thereof at the said fair. Powers and duties.

Sec. 3. Said commissioners shall serve without salary but their actual expenses, not exceeding the amount hereinafter appropriated, shall be paid out of the territorial treasury upon vouchers properly made and certified by the governor. Compensation.

Sec. 4. The sum of three thousand dollars is hereby appropriated by the Territory for the purposes of this act. Appropriation.

Sec. 5. This act shall take effect on approval.

Approved March 13, 1890.

CHAPTER LIX.

PROTECTION OF GAME AND BIRDS.

AN ACT for the protection of Game and Birds.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any person who shall kill, wound, ensnare or trap within the Territory of Utah any elk, deer, buffalo or bison, antelope or mountain sheep, or any fawn or young of any of said animals between the first day of December and the first day of September following, shall be guilty of a misdemeanor. Protection of game

Sec. 2. Any person who shall pursue, with dog any of the animals mentioned in Section 1. shall be guilty of a misdemeanor, and any person may lawfully kill any dog while pursuing any of said animals and shall not be liable for the value of said dog. Hunting with dog.

Sec. 3. Any person who shall wantonly kill or destroy

any of the animals mentioned in the first section of this act, or shall kill or destroy the same for the sole purpose of securing the hide or skin of any such animal, or shall ship, carry or transport out of the Territory of Utah any of such animals, or any part thereof, shall be guilty of a misdemeanor.

Sec. 4. Any person who shall kill, ensnare, net or trap any quail, partridge, pheasant, prairie chicken, sage hen or grouse within the Territory of Utah between the fifteenth day of March and the fifteenth day of August of each year; or who shall kill, ensnare, net or trap at any time any lark, whippoorwill, thrush, swallow, snow-bird, bobolink, woodpecker, or other insectivorous birds, not being birds of prey except English sparrows, and the bird commonly known as the California quail shall be guilty of a misdemeanor.

Sec. 5. Any person who shall take, kill or destroy any wild goose, wild duck or snipe between the first day of April and the first day of September of each year within the Territory of Utah, or who shall rob the nests of any wild goose or wild duck, or who shall rob the nests of any of the birds mentioned in this act, except the English sparrow and blackbird or who shall kill any wild goose or wild duck between one hour after sunset and one hour before sunrise, shall be guilty of a misdemeanor.

Sec. 6. The provisions of this act shall apply to all Indians in the Territory of Utah except in cases of game and birds taken upon their reservations.

Sec. 7. Any person who shall have in his possession any game taken unlawfully is guilty of a misdemeanor.

Sec. 8. The county courts of the several counties shall offer such reward as in their discretion they may determine, to any person or officer who shall give information that shall lead to the arrest and conviction of any person violating this act. All fines collected in cases of conviction under this act shall be paid into the treasury of the county in which trial for such violation is had.

Sec. 9. All laws in conflict with this act are hereby repealed.

Sec. 10. This act shall take effect upon its approval.
Approved March 13, 1890.

CHAPTER LX.

GRAND COUNTY.

AN ACT creating Grand County, prescribing its Boundaries and appointing County Officers

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that portion of the Territory of Utah embraced within the following boundaries, to wit: Commencing at the point of intersection of parallel 38°

30' north latitude with the west line of the State of Colorado, running thence north along the line between Emery County and Colorado to the point of intersection with Uintah County, thence westerly along the southern boundary line of Uintah County to the center of the main channel of Green River, thence southerly following the center of the main channel of said Green River, to the northern line of San Juan County, thence east to the place of beginning, is hereby made and named Grand County, with the county seat at Moab, and said county is hereby attached to and made a part of the First Judicial District of this Territory.

Boundaries.

Sec. 2. Causes of action, criminal or civil, now pending in any court which have arisen within the territory, above described, shall be tried and determined regardless of the creation of Grand County; and any cause of action now accrued, or criminal offense committed before the passage of this bill within the territory forming Grand County, where proceedings have not been commenced at the time of the passage of this act, shall be tried and determined in said First Judicial District, except cases cognizable in justice's courts, which cases shall be tried in said Grand County.

Criminal and civil actions.

Sec. 3. For the purpose of organizing said Grand County, the following officers are hereby appointed; John H. Shafer, Henson Walker and R. C. Camp, selectmen; Walter Moore sheriff; O. D. Allen assessor and collector; Sylvanus Richardson prosecuting attorney; Arthur Taylor treasurer; H. B. Beach county superintendent of district schools; William H. Allred, coroner; Joel Shomaker surveyor; George H. Wade county clerk; George H. Wade county recorder. Said officers shall take the oath of office prescribed by law, and give bonds in such penal amounts as required by law. They shall hold said offices until the next general election in 1890, and until their successors are elected and qualified. They shall commence the duties of their offices immediately upon qualifying, and the selectmen shall, on or before the first Monday in May, 1890, meet and organize, and appoint such officers as are necessary for the complete organization of said county, and the transaction of all business matters therein, who shall, before entering upon the duties of their offices, qualify as the law directs. The county court of said county shall prescribe the boundaries of precincts and school districts, and exercise all powers and perform all acts as by law provided.

Officers.

Oath and bonds.

Term of office.

Duties.

Boundaries of precincts and school districts.

Sec. 4. All taxable property within said Grand County shall be assessed by the assessor thereof, and all property within said county, that may have been assessed by the assessor of Emery County for the year 1890, shall, at the meeting of the board of equalization of said Emery County be stricken from the assessment roll.

Assessment of tax.

Sec. 5. This act shall take effect upon its approval.

Approved March 13, 1890.

CHAPTER LXI.

CHANGING BOUNDARY OF EMERY COUNTY.

AN ACT to amend Section 76, s. 1, of the Compiled Laws of Utah of 1888, relating to the boundary of Emery County.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 76. s. 1, of the Compiled Laws of Utah of 1888, is hereby amended to read as follows:

Sec. 76. s. 1. All that portion of the Territory of Utah bounded as follows, to wit: Commencing at a point where parallel 38 deg. 30 min. north latitude crosses Green River, thence west along the said parallel, to a point six (6) miles west of the first guide meridian east of the Salt Lake meridian, thence north along the township line between Range five (5) and six (6) east, to the third standard parallel south, thence east three (3) miles to the section line running north through the middle of Range six (6) east, thence north along said section line to the township line between townships eleven (11) and twelve (12) south, thence east along the last mentioned township line to Green River, thence down the main channel of Green River to the place of beginning, is hereby made and named Emery County, with the county seat at Castle Dale, which county is hereby attached to and made a part of the First Judicial District.

Sec. 2. This act shall take effect upon its approval.

Approved March 13, 1890.

Boundaries.

CHAPTER LXII.

PENAL CODE RELATING TO MURDER, ETC.

AN ACT to amend Sections 4455, 4457, 4469, 4622, 4631 and 4677, of the Compiled Laws of Utah of 1888 relating to the Penal Code.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 4455 of the Compiled Laws of Utah 1888 is hereby amended so as to read as follows:

"Sec. 4455. Every person guilty of murder in the first degree shall suffer death, or upon the recommendation of the jury, may be imprisoned at hard labor in the penitentiary for life, in the discretion of the court, and every person guilty of murder in the second degree shall be imprisoned at hard labor in the penitentiary for a term not less than ten years and which imprisonment may extend to life."

Sec. 2. Section 4457 of said laws is hereby amended so as to read as follows:

Murder.

Sec. 4457. Voluntary manslaughter is punishable by imprisonment in the penitentiary for a term not less than one and not exceeding ten years; involuntary manslaughter is punishable by imprisonment in the county jail not exceeding one year.” Manslaughter.

Sec. 3. Section 4469 of said laws is hereby amended to read as follows:

Sec. 4469. Robbery is punishable by imprisonment in the penitentiary for a term not less than three years nor more than twenty years. Robbery.

Sec. 4. Section 4622 of said laws is hereby amended so as to read as follows:

“Sec. 4622. Burglary is punishable by imprisonment in the penitentiary for a term not less than one nor more than twenty years. Burglary.

Sec. 5. Section 4631 of said laws is hereby amended so as to read as follows:

“Section 4631. Forgery is punishable by imprisonment in the penitentiary for a term not less than one nor more than twenty years. Forgery.

Sec. 6. Section 4677 of said laws is hereby amended so as to read as follows:

“Section 4677. Every person who knowingly and designedly, by false or fraudulent representations or pretenses shall obtain from any other person or persons, any chose in action, money, goods wares, chattels, effects or other valuable thing, with intent to cheat or defraud any person or persons of the same, if the value of the property so obtained is less than fifty dollars, is punishable as in cases of petit larceny, and when the property so obtained is of the value of fifty dollars or more the person so offending shall be punishable as in cases of grand larceny. Obtaining goods under false pretences.

Sec. 7. The several sections and provisions of the laws of Utah of which this act is amendatory are continued in force for all purposes of the trial of cases arising thereunder prior to the passage of this act; in all such cases the court shall proceed to trial and judgment as if this act had not been passed. Prior action

Approved March 13, 1890.

CHAPTER LXIII.

FUGITIVES FROM JUSTICE.

AN ACT amending Section 5274 of the Compiled Laws of Utah, of 1888 relating to Fugitives from Justice.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 5274, of the Compiled Laws of Utah of 1888, is hereby amended to read as follows:

Requisition.

Expense.

Sec. 5274. The governor of this Territory, may in any case where any person is charged therein, with felony or other crime against the laws of this Territory who shall flee from justice, or be found in any State, or other Territory, demand from the executive authority of such State, or other Territory, the surrender to the authorities of this Territory of such fugitive from justice, who has been found in such State or other Territory, and the accounts for the necessary expense, and lawful fees of the agents appointed by the governor to bring back such fugitive, properly verified by the oath of such agents, and certified by the governor, as being to the best of his knowledge and information correct and true, shall be audited by the auditor of public accounts, and paid out of the treasury of the Territory.

Sec. 2. This act shall take effect upon its approval.
Approved March 13, 1890.

CHAPTER LXIV.

COUNTY COURT IGNORING PROBATE JUDGE.

AN ACT amending Section 184. s. 14 of the Compiled Laws of Utah of 1888.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Subdivision 4. of Section 14. of Chapter VI on page 296. of volume one of the Compiled Laws of Utah, be and the same is hereby amended so as to read as follows; to wit:

Claims.

Immediately after the adjournment of each meeting of the court, prepare and certify duplicate lists of all claims allowed and orders made by the court for the payment of money, giving the name of the claimant or payee named in the claim or order the amount and date of each claim, or order and the date of the allowance thereof, and deliver to, and leave with, the treasurer one of said lists and retain and file in his office the other list.

Approved March 13, 1890.

CHAPTER LXV.

NARCOTICS.

AN ACT prohibiting the selling, giving or furnishing of tobacco, opium or other narcotics to, and the use thereof by, minors.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any person who shall sell, give or furnish any cigar, cigarette, or tobacco, in any form,

opium or any other narcotic in any form to any minor under eighteen years of age in this Territory shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten nor more than one hundred dollars. Penalty.

Sec. 2. The provisions of this act shall not apply to the use sale, giving or furnishing of any narcotic upon the prescription of a physician.

Approved March 13, 1890.

CHAPTER LXVI.

REFORM SCHOOL.

AN ACT amending Section 1892, 1902, 1903, 1907 and 1908 of the Compiled Laws of Utah of 1888 and adding a new section to be known as Section 1911 a. s 22, relating to Reform School.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1892 of the Compiled Laws of Utah, 1888, is amended by adding thereto the following: *Provided* that a trustee herein mentioned shall not be eligible to serve as superintendent of the Territorial Reform School.

Trustee not eligible to serve as superintendent.

Sec. 2. That Section 1902 is hereby amended to read as follows:

Sec. 1902 s 12. When a boy or girl within the age of eighteen years, shall, in any of the district courts in this Territory, be found guilty of any crime except murder, the court may, if in its opinion the accused is a proper subject therefor, instead of entering judgment cause an order to be entered, that such boy or girl be sent to the Reform School in pursuance of the provisions of this act; and a copy of said order, duly verified by the clerk, under the seal of such court, shall be a sufficient warrant for taking such boy or girl to said school, and for his or her commitment therein; or when it appears to the court on the complaint or due proof thereof, by the parent or guardian, corroborated by two disinterested witnesses, that the incorrigible or vicious conduct of any boy or girl has rendered his or her control beyond the power of such parent or guardian and made it manifestly requisite from regard to the morals and future welfare of such boy or girl; or when complaint and due proof have been made that any boy or girl is a proper subject therefor, in consequence of incorrigibly vicious conduct, the court may, if in its opinion the accused is a proper subject therefor, cause an order to be entered, that such boy or girl be sent to the Reform School in pursuance of the provisions of this act; and a copy of said order, duly certified by the clerk, under the seal of said court, shall be a sufficient warrant for taking such boy or girl to such school, and for his or her commitment therein.

Who subject for reform school.

Sec. 3. That Section 1903 is hereby amended to read as follows:

Powers of justice.

Sec. 1903. s. 13. When, before a justice of the peace, a boy or a girl under the age of eighteen years shall be convicted of any crime; or against whom a complaint has been made and proven, by two disinterested witnesses charging such boy or girl with incorrigible or vicious conduct, and that such boy or girl is a proper subject for said school under the provision of the section last preceding, the magistrate may in his discretion, send such boy or girl, together with all the papers filed in his office on the subject, under the control of some officer to the judge of the district wherein he presides, said judge shall then issue an order to the parent or guardian of such boy or girl, or such person as may have him or her in charge; or if he or she be alone and friendless, then to such person as said judge may appoint to act as guardian for the purpose of the case, requiring him or her to show cause why the said boy or girl should not be committed to the Reform School for reformation and instruction.

Sec. 4 That Section 1907 s. 17. is hereby amended by striking out the word "majority" in line three of said section, and inserting in lieu thereof the words "twenty-one years."

Sec. 5. That Section 1908. s 18. is hereby amended by striking out the word "majority" in line three of said section, and inserting in lieu thereof the words "twenty-one years."

Sec. 6. A new section is hereby enacted to be known as Sec. 1911 a:

Expense.

Sec. 1911 a. s 22. The trustees shall estimate and determine as near as may be, the actual expense per annum of keeping and taking care of any such boys or girls as are committed on the complaint of the parents or guardians of such boys or girls to the Reform School for incorrigible or vicious conduct, and the costs of keeping such boys or girls, including the cost of transportation to the Reform School and the costs of court, shall be wholly paid by such parent or guardian, unless for good cause said trustees shall otherwise order and direct, in which case such expenses including cost of transportation shall be paid by the Territory.

Sec. 7 This act shall be in effect from and after its passage.

Approved March 13, 1890.

CHAPTER LXVII.

TERRITORIAL LIBRARY.

AN ACT providing for and regulating the Utah Territorial Library.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the books, pamphlets, maps, charts, globes, papers, apparatus and valuable specimens

belonging to the Territory now in the territorial library, or which shall hereafter be added thereto, shall constitute the Utah Territorial library.

Sec. 2. That the governor, secretary, chief justice and associate justices of the supreme court of the Territory, shall constitute the board of control of the Territorial library. Board of control.

Sec. 3. The board of control may, in their discretion, classify the books and articles named in Section 1. of this act and deliver to and place in the library of the University of Deseret such books and articles belonging to and composing the Territorial library as they may consider more useful to the University library than to the Territorial library, and any books or articles so delivered to the University library shall thereupon become and thereafter remain a portion of the University library. Division of library.

Sec. 4. The public shall have access to the library, and the board of control may make such rules and regulations not inconsistent with the provisions of this act, as they may deem proper, for the use of the library by the public and the officers herein named, and may prescribe penalties for any violation thereof, which shall be collected in the same manner as forfeitures for the non-return or injury of any book. Use of library.

Sec. 5. Books may be taken from the Utah territorial library by members of the legislature, and its officers, and at any time by the officers of the executive department of the Territory. Justices of the supreme court, the marshal and attorney for the Territory, but no other person shall be permitted to take or detain any book from the library. Who may take books from territorial library.

Sec. 6. The governor by and with the advice and consent of the legislative council shall appoint a territorial librarian who shall cause to be kept a register of all books issued and returned, showing to whom they are issued, by whom they are returned, and the time they are so issued and returned; and no book, except the laws, journals and reports of the Territory, which may be taken from the library shall be detained more than ten days, except when taken for the use of officers and members of the legislature while it is in session, and all books taken out by officers or members of the legislature shall be returned at the close of the session. Territorial librarian.

Sec. 7. If any person injure or fail to return any book taken from the library he shall forfeit and pay to the librarian for the use of the library the damage thereto including costs and reasonable counsel fees for collecting the same, to be recovered in an action in the name of the Territory in any court of competent jurisdiction; and it shall be the duty of the librarian in behalf of the Territory to commence suit for the collection of all such forfeitures and all fines. Detaining books.

Sec. 8. The librarian shall on or before the twentieth day of December in each year report to the governor the condition of the library, stating the number of volumes con- Damages to library.

Librarian's report.

tained therein, the number of volumes purchased during the last year and the cost thereof, the number of volumes received by donation, the number of volumes injured or not returned, if any, and the amounts received in compensation therefor, and such suggestions and further information as may be deemed by him desirable.

Annual appropriations.

Sec. 9. The sum of five hundred dollars per annum is hereby appropriated and ordered paid out of the Territorial treasury, in the usual manner to be used by the board of control of the library in the payment of the librarian for services and of rent for rooms in which to keep the library. The sum of three hundred dollars is hereby appropriated and ordered paid in the usual manner out of the territorial treasury for the preparation and printing of a catalogue of the territorial library under direction of the board of control.

Appropriation for catalogue.

Appropriation for cases and books.

Sec. 10. The sum of three thousand dollars is hereby appropriated and ordered paid out of the territorial treasury, in the usual manner to be used by the board of control of the library for the purchase of cases and such new and additional volumes for the use of the library as the said board of control may consider advisable.

Catalogue.

Sec. 11. It shall be the duty of the librarian to make out a written catalogue, conveniently arranged in alphabetical order, and cause the same to be printed and distributed to the officers entitled to the use of such library, of all books, pamphlets, maps, charts, globes, papers, apparatus and valuable specimens in the library, adding thereto as the library is increased; which catalogue shall be kept for the use of those authorized to use books. He shall also make out and place in some conspicuous place a copy of the rules and regulations of the library.

Labels.

Sec. 12. It shall be the duty of the librarian to cause every book in the library to be labeled with printed or stamped label containing the words "Utah Territorial Library," and also cause the same words to be written or stamped on the thirtieth page of each volume.

Duplicate reports.

Sec. 13. The board of control of the library may sell or exchange any surplus or duplicate sets of reports or law books in the library and use the money arising from such sale in purchasing other law books or reports for the library.

Penalty.

Sec. 14. If the librarian shall permit or allow any person not authorized by this act to take a book from the library he shall be liable, upon conviction thereof, to pay a fine of not less than five nor more than fifty dollars for each book so taken. All fines and forfeitures collected shall be used for the benefit of the library according to the best judgment of the board.

Same.

Sec. 15. If any person not authorized by this act shall take a book from the library, either with or without the consent of the librarian, or violate any of the provisions of this

act he shall upon conviction thereof, be fined in any sum not less than ten nor more than fifty dollars for each book so taken.

Sec. 16. All acts or parts of acts superseded by or in conflict with the provisions of this act, are hereby repealed.

Sec. 17. This act shall take effect at twelve o'clock noon on the first day of April in the year of our Lord one thousand eight hundred and ninety.

Approved March 13, 1890.

CHAPTER LXVIII.

JURORS, WITNESSES, PHONOGRAPHIC REPORTERS AND COMMISSIONERS.

AN ACT providing for the payment of Jurors, Witnesses and Phonographic Reporters and creating and defining the duties of Court Commissioners.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That from the first day of April 1890 and until the first day of April 1892, witnesses for the Territory in criminal cases and jurors in the district courts, shall be paid the sum of two dollars per day for each days attendance at court and ten cents per mile, one way, when the witness or juror can travel by rail, and twenty cents per mile one way, when the witness or juror, cannot travel by rail for the distance necessarily traveled from his place of residence to the place of holding court, *provided*, that in no case shall per diem be allowed to any juror for any day when the major part thereof was devoted to the trial of cases under the laws of the United States, and, *provided further*, that when jurors are summoned and render service both for the Territory and the United States, one-half only of the mileage of such jurors shall be paid by this Territory.

Compensation of witnesses and jurors.

Sec. 2 The clerk of the district court shall, whenever a juror or witness for the Territory is discharged issue to him a certificate under the seal of the court, stating the name of such juror or witness, when and where he was summoned or subpoenaed and the date of his discharge, the place of his residence, the number of miles necessarily traveled from his place or residence to the place of holding court, and the number of days upon which the major part of the time was devoted to territorial criminal cases and, if a juror, the number of days engaged in civil cases.

Certificate.

Sec. . The plaintiff in each civil action except equity cases, where a jury is not required and the appellant in each civil case appealed to the district court shall respectively, before his complaint or appeal papers are filed deposit with the clerk of said court the sum of three dollars which shall be

Plaintiff in civil action to make d. posit

known and designated as the jury fund, *provided*, that the term civil action in this section shall apply to and include all actions where a municipal corporation is a party beneficially interested; *Provided further*, that in case judgment is rendered in favor of such plaintiff or appellant, said amount may be taxed as costs and collected as other costs in the action.

Sec. 4. The clerk of each district court shall, on or before the first Monday in June A. D. 1890 and quarterly thereafter pay into the territorial treasury all sums of money deposited with him under the provisions of this act, and shall at the same time furnish the auditor of public accounts a statement in writing showing the number of complaints filed and the number of appeals taken to the district court in civil cases since making his last statement to said auditor, together with the title of each case.

Sec. 5. It shall be the duty of the clerks of the several district courts to keep an attendance roll in which shall be noted the name of each witness subpoenaed for the prosecution in territorial criminal cases, the name of each witness subpoenaed for the defendant at the expense of the Territory under order of the court; the name of each juror, when said witness or juror was subpoenaed or summoned the date of appearance, the date of discharge, each days attendance with the date thereof, his place of residence and the number of miles and how necessarily traveled by said witness or juror from the place of his residence to the place of holding court and, if a juror, the number of days upon which the major part of the time was devoted to the trial of territorial criminal or civil cases or investigation of territorial criminal cases before a grand jury as the case may be.

Sec. 6. Whenever a grand juror, or witness for the Territory before the grand jury, is finally discharged, the foreman of said grand jury shall furnish the clerk of said court a statement under oath containing the information not a matter of record required in the preceding section relative to said juror or witness, whereupon the clerk shall issue a certificate to said witness or juror as in this act provided, and shall enter the facts not already a matter of record upon such attendance roll and carefully file and preserve the statement of said foreman for reference as hereinafter provided; *Provided*, that in no case shall any grand juror or witness before the grand jury be required to disclose any fact to any clerk or court commissioner except matters relating to his attendance and mileage.

Sec 7. Every witness subpoenaed for the Territory, and every witness subpoenaed for a defendant under order of the court at the expense of the Territory and every juror whether grand or petit shall report in person daily to the clerk his attendance at court from the time of his appearance till the date of his discharge and no per diem shall be allowed for any day upon which attendance is not so reported, except in cases of sick-

Disposition of
moneys.

Attendance roll.

Discharge of wit-
nesses or jurors.

Witnesses and jur-
ors must report
daily.

ness, while absent from home as such juror or witness which fact must be stated under oath to the court by the juror or witness or some person on his behalf cognizant of the facts, whereupon the court may order the allowance per diem for such number of days as may be just and equitable.

Statement.

Said statements so made under oath as aforesaid must be filed with the clerk and preserved for reference as hereinbefore provided.

Sec. 8. No witness for a defendant in a criminal case shall be subpoenaed, paid mileage or per diem by the Territory, except upon an order of the court when said defendant is awaiting trial for a felony or indictable misdemeanor. Said order can, only be made upon affidavit made by defendant in person showing:

Witnesses for Territory.

First—That said defendant is impecunious and unable to pay the per diem and mileage of said witness.

Second—That the evidence of said witness is material for defendants defense as he is advised by his counsel and

Third—That said defendant cannot safely proceed to trial without said witness. If said facts are not successfully controverted by the district attorney or by affidavit of some person cognizant of the facts, the court may issue an order as aforesaid directing that said witness if within the Territory be subpoenaed and paid per diem and mileage by the Territory the same as witnesses for the prosecution.

When subpoena may be issued by Territory.

Sec. 9. Hereafter and until the first day of April A. D. 1892 phonographic reporters in territorial criminal cases shall receive ten (\$10.00) dollars per diem for taking testimony and other proceedings of the court in said cases and fifteen cents per one hundred words for transcribing the same and shall be paid upon presentation of the certificate of the clerk of said court as hereinafter provided, *provided*, that in civil cases where the parties so request no reporter shall be engaged.

Compensation of reporters.

Sec. 10. At the close of each term of the district court, the clerk of said court shall issue to the phonographic reporter thereof a certificate to be approved by the court showing the actual number of days said reporter was engaged in taking testimony and other proceedings of the court in territorial criminal cases and also the number of folios of such proceedings transcribed by said reporter, together with the amount due for the services so rendered.

Reporter's certificate.

Sec. 11. The following named persons are hereby appointed court commissioners, whose term of office shall expire on the fifteenth day of April A. D. 1892 to-wit: H. H. Rolapp who shall act as commissioner for the northern division of the first judicial district; John W. Turner who shall act for the southern division of the first judicial district Benj. Bennett for the second judicial district and Geo. D. Pyper for the third judicial district. In case of the failure or omission of said persons from any cause to accept said office or in case of a

Appointment of court commissioners

Vacancy.

vacancy by death, resignation or from any other cause, in either of said offices the clerk of the county in which the district court is held shall be the commissioner of said court, and qualify as such as in this act provided for the qualifications of commissioner.

Sec. 12. Each of said court commissioners within thirty days after the passage of this act or the county clerk immediately after receiving knowledge that the duties of said office have devolved upon him as in this act provided shall qualify by subscribing to the oath of office and filing a bond in the penal sum of ten thousand dollars, with at least two sufficient sureties, with the territorial auditor of public accounts which bond must be approved by him.

Court certificates.

Sec. 13. It shall be the duty of each of said commissioners to examine all court certificates under the provisions of this act presented to him and compare them with the records of the court. He shall have access to all records, papers and statements except indictments or other proceedings before the grand jury touching upon service rendered by jurors, witnesses and phonographic reporters, and may administer oaths or affirmations to the holder of any such certificate, or the person to whom it was issued and examine him regarding the service performed, miles traveled etc. If the commissioner is satisfied that the service has been performed and the certificates are correct, he shall allow the amount claimed, and if incorrect shall increase or decrease the sum to the correct amount.

Payment of fees.

Sec. 14. Said commissioners are authorized to draw upon the auditor of public accounts for sufficient amount to pay said jurors, witnesses and phonographic reporters upon presentation of said certificates when audited and corrected as herein provided. *Provided:* that neither of said commissioners shall at any time have on hand more than five thousand dollars for the purposes herein mentioned.

Limit of surplus.

Sec. 15. They shall keep an accurate account of all moneys drawn by them to whom and when paid and the cause of disbursement, and they shall disburse no money except upon the presentation of said court certificates, and when payment is made thereupon said certificate shall be taken up, cancelled, registered and filed, together with a statement of account, annually with the auditor of public accounts, who shall audit the same and certify to the correctness thereof, and receipt to such commissioner for the same.

Commissioners to keep accounts.

Sec. 16. During the first ten days of the session of the next legislative assembly, said commissioners shall transmit to said assembly reports of their proceedings under this act. For their services under this act, the said commissioners in the northern division of the first and in the second judicial districts shall each receive a compensation of three hundred dollars per annum, and the said commissioner in the southern division

To report to legislature.

of the first judicial district shall receive a compensation of four hundred and fifty dollars per annum, and the commissioner in the third judicial district shall receive a compensation of six hundred dollars per annum to be paid by the territorial treasurer upon the warrant of the auditor of public accounts, out of the amount appropriated and set apart in the next section.

Compensation.

Sec. 17. The territorial treasurer for the purpose of carrying out the provisions of this act, is hereby required to set apart and reserve in a separate fund to be known as the fund for the payment of jurors, witnesses and phonographic reporters; all moneys appropriated for said purpose, to be paid out only upon the auditor's warrant in favor of said court commissioners for the purposes and in the manner provided in this act. *Provided*, the treasurer shall not retain in said fund more than one-half of the money appropriated for jurors, witnesses and phonographic reporters at any one time.

Fund for payment of fees, etc.

Limit of surplus.

Sec. 18. Every witness, juror, phonographic reporter, or other person, to whom an oath has been administered under the provisions of this act, who shall state as a fact any matter which he knows to be untrue shall be guilty of perjury.

Perjury.

Sec. 19. Every clerk of the district court who shall certify as a fact any matter which he knows to be untrue whereby any witness, juror, or phonographic reporter shall be allowed a greater sum than he would otherwise be entitled to under the provisions of this act, shall be guilty of a misdemeanor.

Penalty for clerk making untrue certificate.

Sec. 20. Every court commissioner who shall audit any court certificate provided for in this act, and wilfully allows a greater or less amount thereon than should be allowed under this act, or who shall require any grand juror or witness before the grand jury to state any fact other than such as relate to the attendance and mileage of such juror or witness shall be guilty of a misdemeanor.

Penalty for misconduct of commissioner.

Sec. 21. No person connected officially with either of the district courts of this Territory nor any public officer shall be interested either directly or indirectly, by purchase or otherwise, in any certificate issued for the services of jurors or witnesses under this act, and any person violating the provisions of this section is guilty of a misdemeanor.

Court officers prohibited from dealing in certificates

Sec. 22. This act shall take effect on the first day of April, one thousand eight hundred and ninety.

Approved March 13, 1890.

CHAPTER LXIX.

RELIEF OF CITIES AND TOWNS ON PUBLIC LANDS.

AN ACT supplementary to, and amendatory of, 'An Act prescribing rules and regulations, for the execution of the trust arising under 'An act of Congress entitled "An Act for the relief of the inhabitants of cities and towns upon the public lands, approved March 2nd, 1867" approved February 17, 1869 and the amendments thereto.'

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all deeds and conveyances heretofore executed by any city in this Territory in its corporate name, of lands held in trust by the mayor, are hereby validated and confirmed, and shall have the same effect and operation as though executed by the mayor.

Validating deeds
issued by cities.

Sec. 2. All deeds heretofore made and executed by the mayors of cities and probate judges of counties in this Territory, which have been acknowledged before and certified by city recorders and county clerks in this Territory, shall have the same force and effect, and the record thereof shall impart notice to the same extent as though the acknowledgment had been made, taken and certified, as required by the law in force at the time of such execution and acknowledgment.

Validating irregularly
acknowledged
mayor's deeds.

Sec. 3. This act shall take effect from and after its approval.

Approved March 13, 1890.

CHAPTER LXX.

LOAN, TRUST AND GUARANTY ASSOCIATIONS.

AN ACT to provide for the incorporation and management of Loan, Trust and Guaranty Associations.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That loan, trust or guaranty associations which may heretofore have been incorporated, or which may hereafter be incorporated under the provisions of this act for the insurance of owners of real estate from loss by reason of defective titles, liens and incumbrances or for other purposes shall have the power and right.

Powers and rights.

First - To make insurances of every kind pertaining to or connected with titles to real estate

Insurance.

Second - To act as assignees, agents, receivers, guardians of the estates of minors and incompetent persons, executors, administrators, and to execute trusts of every description not inconsistent with the laws of this Territory or of the United States.

Guardians, re-
ceivers, etc.

Third—To become sole security in any case where by law one or more sureties may be required for the faithful performance of any trust, office, duty, action or engagement. Security.

Fourth—To sell and mortgage real estate or personal property and to loan money on real estate security or otherwise. But such corporation shall not have power to enter into the buying and selling of real estate as a business. Loan money.

Fifth—To receive deposits of money and to pay an agreed rate of interest on the same. Deposits.

Sixth—To act as security for the faithful performance of any contract entered into with any person or municipal or other corporation, or with any state or government, by any person or persons, corporation or corporations. Security on contracts.

Seventh—To become sole security for the faithful performance of the duties of any national, state, territorial, county or municipal officer, or of any clerk or employee of any corporation, firm or individual, and to execute such bonds or recognizances as may be required by law in such cases. Official bonds.

Eighth—To become security upon any writ of error or appeal or in any proceeding instituted in any court of this Territory in which security may be required; *Provided*, however, that nothing in this act shall be so construed as to dispense with the approval of such body, corporation, court or officer as is by law now required to approve such security. Security in court.

Provided however, that before exercising any of the powers mentioned in this section, each such corporation shall have paid up of its capital not less than one hundred thousand dollars, if transacting business in cities of the first class, and not less than twenty-five thousand dollars if transacting business in cities of the second or third class, which amount of its capital shall be paid up in money and not by the transfer of any other property, and such amount of capital shall, by such corporations be kept in money on hand or on deposit in banks or invested in first mortgages on real estate situated in Utah Territory, the amount invested in any mortgage not to exceed fifty per cent of the value of the land so mortgaged or in bonds of first or second class cities of this Territory, or in bonds of Utah Territory, or of the United States. Paid up capital.

Sec. 2. Every corporation referred to in Section 1 of this act shall make and publish in some newspaper of general circulation in the county in which its principal place of business in this Territory is situated, a statement of its resources and liabilities at least twice in each year, at such times as the examiner hereinafter provided for shall call upon it for the same; *provided*, that said examiner shall call for said statements as of a date at least five days previous to the date upon which said call is issued. Statement of resources.

Sec. 3. The secretary of the Territory shall be examiner of such corporations and he shall not less than once in each

Examination of
affairs.

year and oftener if he shall deem necessary or proper, either in person or by agent duly appointed by him, make a thorough examination into all the affairs of any such corporation, and in so doing, may examine any of the officers and agents thereof or other persons on oath, and shall make a full and detailed report in writing of the condition of the corporation which shall be filed in the office of said examiner, and which shall be open for the inspection of all persons doing business with such corporation. Such examiner or his agent shall receive for his services, the sum of ten dollars per day and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the corporation by him examined. No person shall be appointed to be such agent for said examiner to examine the affairs of any corporation of which such agent is a director, officer, stockholder or employee.

Compensation.

Refusal to allow
examination.

Sec. 4. If on such examination the said examiner determines that the provisions of Section 1. of this act have not been complied with or if any such corporation refuse to permit such examination, then he shall in writing notify such corporation to discontinue business. And after such failure to comply with the provisions of Section 1. or refusal to permit such examination and after receiving the notice aforesaid it shall be unlawful for such corporation to continue business, and upon the application of the said examiner and at the cost of such corporation, the district court of any judicial district in which such corporation transacts business may appoint a receiver for the same and may proceed to dissolve said corporation and distribute its assets to those entitled thereto. Any such receiver so appointed shall be invested with all of the powers and authority, both original and delegated, of such corporation for the purpose of winding up its affairs and completing its trusts.

Notice to discon-
tinue business.

Receiver.

Counsel fees.

Sec. 5. On any application made under the provisions of the last preceding section to any court having jurisdiction to dissolve any such corporation, reasonable counsel fees in such proceeding shall be allowed to said examiner to be paid by the corporation or out of its assets.

Securities.

Sec. 6. Whenever any such company shall receive and accept the office or appointment of assignee, receiver, guardian, executor, administrator, or to be directed to execute any trust whatever, the capital of the said company shall be taken and considered as security required by law for the faithful performance of the duties as aforesaid and shall be absolutely liable in case of any default whatever, and no bond shall be required of it for the faithful performance of such trust.

Sec. 7. When any such corporation is appointed as executor, administrator, guardian or receiver or acts as a surety any oath or affidavit now required by law to be taken on such

appointment or when so acting, may be taken by any officer of such corporation in its behalf.

Sec. 8. The powers conferred by this act, shall apply to all corporations now existing or hereafter to be incorporated for the purpose of ensuring titles or of doing business as a loan, trust, or guaranty association. Application of act.

Approved March 13, 1890.

CHAPTER LXXI.

PROBATE COURTS.

AN ACT authorizing Probate Courts to grant orders in certain cases without publication of notice other than by posting.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any probate court of this Territory is hereby authorized to grant orders admitting wills to probate, orders settling and allowing annual, and final accounts of executors or administrators and orders of distribution and partition of estates of decedents without giving any notice of the hearing thereof by publication or otherwise than as herein provided, whenever it shall appear on the hearing of the application for such order that all the heirs devisees and legatees or their legal representatives and all parties who appear from the records or files of the court to have any interest in said estate shall consent thereto in writing signed by each of them and verified by one or more of the signers *provided* that notice of the hearing of the application for such order shall be given by the clerk of said court by filing the same in writing in the office of said clerk and by posting a copy thereof for a period of ten days prior to said hearing in some conspicuous place at the courthouse where said court is usually held. Orders allowing final accounts & orders making distribution of estates of decedents when the final account is for distribution & the hearing are held at the same time

Sec. 2. The notice provided for in the preceding section in the cases and under the conditions therein named, shall be sufficient in all such cases unless the probate judge shall otherwise order in which case said notice shall be given as provided by law. (1894)

Sec. 3. All laws in conflict with this act are hereby repealed. Power to grant orders without publication.

Sec. 4. This act shall take effect upon its approval. Proviso.

Approved March 13, 1890. Notice.

CHAPTER LXXII.

SCHOOLS.

ARTICLE.

- I. Territorial commissioner.
- II. County superintendents.
- III. Examinations and certificates.
- IV. School districts.
- V. Election of school trustees.
- VI. Powers and duties of school trustees.
- VII. Vacancies.
- VIII. Duties of teachers.

ARTICLE.

- IX. Text books.
- X. School fund.
- XI. Territorial and county school tax.
- XII. Special school tax.
- XIII. Miscellaneous.
- XIV. Bonds.
- XV. Schools in cities.

AN ACT to provide for a uniform system of Free Schools throughout Utah Territory.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah :*

ARTICLE I.

That the commissioner of schools within and for this Territory shall receive an annual salary of fifteen hundred dollars, and his necessary expenses when traveling on official business, to an amount not exceeding five hundred dollars per annum.

Sec. 2. The commissioner shall be charged with the administration of the system of public instruction and a general superintendence of the business relating to district schools of the Territory, and of the school revenues set apart and appropriated for their support. He shall apportion to the several counties, on or before the thirty-first day of December of each year, the amount of money to which each county is entitled, under the provisions of this act, according to the number of persons between the ages of six and eighteen years, residing in such county, as shown by the last school census lists of the several counties and furnish to each county treasurer and county superintendent an abstract of such apportionment. He shall also certify such apportionment to the territorial auditor, and, upon receiving such certificate the auditor shall forthwith draw his warrant on the territorial treasurer in favor of the county treasurer of each county for the amount due said county.

Sec 3. He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports, and the necessary blanks therefor, school registers, and all necessary instructions for the organization and government of district schools, and conducting all necessary proceedings under this act. The cost of such blank forms, and school registers shall be paid out of the territorial school fund, and the vouchers therefor shall be certified to by the commissioner, and filed with the territorial auditor, who shall draw his warrant on the territorial treasurer in favor of the person to whom said amount is due. He shall visit each county in the Territory at least once in each year, and may examine the auditor's books and records relative to school

Salary of territorial commissioner.

Administration.

Apportionment.

Abstract.

Certificate.

Blanks, etc.

Cost.

Vouchers.

Warrant.

Shall visit each county.

revenues. He shall meet with such school officers as may attend his appointment, advising with the teachers, and lecturing to institutes and public assemblies upon topics calculated to promote the interests of education.

To advise with teachers.

Sec. 4. He shall advise with the county superintendents upon all matters involving the welfare of the schools. He shall, when requested by superintendents or school officers, give them written answers to all questions concerning the school law. On the recommendation of the examining board of any county the territorial commissioner of schools may issue to duly qualified teachers, of not less than five years experience, territorial certificates valid for five years, and such certificate shall be good in any county of this Territory.

To advise with the county superintendents.

Territorial certificates.

Sec. 5. During the first week of the regular session of the Legislature said commissioner shall present to the Governor and Legislative Assembly a biennial report of his administration of the system of public instruction. He shall cause one thousand copies of his report and the laws relating to schools, to be printed in pamphlet form and distribute them to all school officers and schools. For the expenses of printing as provided for in this section, a biennial appropriation of four hundred dollars, or so much thereof as may be necessary, is hereby ordered to be paid out of the territorial treasury as in other cases. The commissioner in his report shall furnish a brief exhibit:

Biennial report.

Report and laws to be printed.

Appropriation.

Exhibit.

First. Of his labors, the results of his experience and observations as to the operation of said system, and suggestions as to the remedy for imperfections.

Second. Of the amount of the school revenue and its general condition as to sufficiency or insufficiency.

Third. Of such plans as he may have matured for the better organization of the schools, and for the increase and economical expenditure of the revenue for tuition.

Fourth. A comparison of the results of the two years then closing, with those of the years preceding, indicating the progress of public instruction; and as far as can be ascertained, the number and condition of private schools, academies and colleges in the Territory.

Fifth. A full statement of the condition and amount of all funds and property appropriated for the purposes of education; the number and grade of schools in each county, the number of children in each county between the ages of six and eighteen years, the number of such attending district schools, the average number of children that have attended district schools during the two school years previous to July first of that year the number that can read and write the amount of school money raised by county taxation or otherwise, the amount expended for salaries of teachers, and for building schoolhouses.

Sec. 6. He shall append to his report such information relative to the system of public instruction—the schools, their annual revenues, etc., as may be of interest to the Territory. He

Additional exhibit.

shall include in his report statistical tables compiled from information transmitted to his office with summaries, averages and totals appended thereto, also a statement of the annual collections of school revenue, and his apportionment thereof; and when he deems it of sufficient interest, he shall append extracts from the correspondence of school officers, showing either the salutary or defective operation of the system. He shall furnish the United States commissioner of education at Washington such information as that officer may require.

Sec. 7. At the end of every three months, he shall file with the territorial auditor an itemized account of his expenses, verified by his oath. The auditor shall examine the same, and, if the account is correct, he shall issue an order on the territorial treasurer for the amount due on such account, and for one-fourth of the commissioner's annual salary; *Provided*, at the last quarterly report of each year, he shall, before receiving his salary, file with the auditor his affidavit showing what counties he has visited according to the provisions of this act. Fifty dollars shall be deducted and withheld from his salary for each county not so visited. At the expiration of his term of office he shall deliver to his successor all books, records, documents, maps, reports papers, and other articles pertaining to his office.

ARTICLE II.—*County Superintendents.*

Sec. 8. At the general election for the year 1891, and biennially thereafter, there shall be elected for each county in this Territory, a county superintendent of district schools, who shall be a registered voter therein and whose term of office shall be two years and until his successor is elected and qualified; before entering upon the duties of his office, the superintendent shall qualify by taking and subscribing an oath of office and giving a bond, for the faithful discharge of his duties, in the penal sum of one thousand dollars, with sureties to be approved by the probate judge of the county, which oath and bond shall be filed with the clerk of the county court, and the said superintendent shall be commissioned by the Governor *provided*, that voters residing within the limits of school districts provided for in Article XV of this act, shall not be permitted to vote for the election of county superintendents.

Sec. 9. The county superintendent shall have the general superintendence of all district schools in his county, except the district schools provided for in Article XV of this act.

Sec. 10. It shall be the duty of every county superintendent to ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the county court, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall immediately report the fact to the county court, who shall change said boundaries so as to make them harmonize.

Expense account.

Duty of auditor.

Affidavit showing
counties visited.

Penalty.

Expiration of term.

Election of county
superintendents.

Oath and bond.

Commission.

Who not entitled to
vote.

Powers.

Boundaries of
school districts.

Sec. 11. He shall visit every district school under his supervision within the county at least twice in each school year, and oftener, if necessary to increase its usefulness. He shall at such visits carefully observe the condition of the school, the mental and moral instructions given, the methods employed by the teacher, and the progress of the pupils. He shall advise and direct the teachers in regard to the instruction, classification, government and discipline of the school and the course of study. He shall keep a record of such visits and by memoranda indicate his judgment of the teachers' ability to teach and govern, and the condition and progress of the school, which information shall be used for or against teachers at the time of their examination for certificates.

To visit district schools.

Record of visits.

Sec. 12. He shall keep a record of all his official acts, preserve all books, maps, charts, and apparatus, belonging to his office, file all reports and statements from teachers and school trustees and deliver them to his successor in office.

Duties.

Sec. 13. The county superintendent may arrange for meetings with school officers at designated times and places, due notice of which shall be given, for the purpose of inspecting the district records, insuring their accuracy and instructing in the manner of keeping the same and of preparing the reports of district officers.

Meetings.

Sec. 14. He shall decide all controversies, pertaining to discipline, arising in the administration of the school law in his county or appealed to him from the decision of school trustees.

Controversies.

Sec. 15. The county superintendent shall have power to administer oaths of office to all subordinate school officers, and witnesses, and examine them under oath, in cases that may come before him for investigation, but he shall not receive pay for administering such oaths.

Oaths of office.

Sec. 16. He shall see that the pupils are instructed in the several branches of study, required by law to be taught in the schools, as far as they are qualified to pursue them. If any teacher neglect or refuse to give instruction on any subject required by law the county superintendent shall promptly report the fact to the county board of examiners who after due examination and inquiry may revoke such teacher's certificate and cause him to be discharged.

Instruction.

Sec. 17. On or before the first day of August in each year he shall make and transmit to the territorial commissioner an annual report containing such statistics as may be required by this act; such report shall be made upon and conform to the blanks furnished by said commissioner for that purpose. He shall not receive any compensation for the last quarter in his official year until he presents to the county court the territorial commissioner's receipt for such report.

Annual report.

Sec. 18. The county superintendent shall be paid four dollars per day for each day's service rendered, and five cents a mile for the distance actually and necessarily traveled by him in

the discharge of his official duties. At the end of each three months, he shall make and present to the county court an itemized statement, verified by him, showing the number of days actually and necessarily spent in the discharge of his official duties, and the distance so traveled; which statement shall be audited and if found correct, said court shall order the same paid out of the county school fund.

Compensation.

Deputy superintendent.

Sec. 19. The county superintendent may appoint a deputy, who shall be a registered voter and for whose official acts and compensation he shall be responsible.

Teacher's institute.

Sec. 20. The county superintendent shall annually hold a teachers' institute for the instruction of teachers, and those who desire to teach, and procure such assistance as may be necessary to conduct the same. Said institute shall be held at such times as the district schools in the county are generally closed, and it shall be the duty of the county superintendent to see that all teachers in his county are notified of the time and place of holding the same; such institute, shall hold a session of not less than two nor more than five days. The actual expense of holding the institute, which shall not exceed fifty dollars in any one year, shall be paid out of the county school fund, upon the warrant of the county superintendent, accompanied with vouchers showing to whom and for what purposes the money was paid. Union

Expenses.

Union institutes.

institutes may be held by two or more counties, with an additional expense of not more than fifty dollars for each additional county represented, the whole expense thereof to be divided equally among the counties so represented.

ARTICLE III.—*Examinations and Certificates.*

Board of examiners.

Sec. 21. The county board of examiners shall consist of the county superintendent, who shall be the chairman, and two competent persons, registered voters resident in such county, who shall be appointed by the county court, for a term of two years. The county court shall determine the compensation of the two examiners thus appointed and shall have power to remove them or either of them for misconduct or inability, and to fill any vacancies occurring in the office of either of the said two appointees.

Compensation.

Teachers' examination.

Requirements.

Sec. 22. The county board of examiners shall hold teachers' examinations during each year, at such times as the chairman may direct. If from the percentage of correct answers required by the rules, and other evidences disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's experience as a teacher, the applicant is found to be a person of good moral character, and to possess such knowledge and understanding, together with aptness to teach and govern as will enable the applicant to teach in district schools of the Territory the various branches required by law, said board of examiners shall grant to such applicant a certificate of qualification.

Sec. 23. Certificates of qualification shall be of three grades: The first grade territorial certificates which may be issued by the commissioner of schools on the recommendation of county examiners for a term of five years. the second grade for a term of two years, the third grade for a term of one year, according to the ratio of correct answers to questions asked of each applicant and other evidences of qualification appearing from the examination. No certificate shall be granted unless the applicant be found proficient in and qualified to teach the following branches of a common English education, viz.: Reading, writing, spelling, English grammar, geography, United States history, arithmetic, physiology and hygiene; and for a first grade certificate a candidate must pass in addition to the foregoing a satisfactory examination in civil government, physical geography, elements of natural philosophy, elementary algebra, and book-keeping. The percentage required to pass any branch shall be prescribed by the board of examiners. In addition to these regular grades of certificates the county superintendent may grant temporary certificates valid until the next regular meeting of said board.

Grades of certificates.

Branches required.

Temporary certificates.

Sec. 24. No certificate or permission to teach shall be issued to any person under eighteen years of age; and no second grade certificate shall be issued to any person who is under twenty-one years of age, and who has not taught successfully ten school months. The certificates issued by a county board shall be valid only in the county where issued. *Provided*, That a second grade certificate shall be valid in any other county in the Territory when endorsed by the superintendent of that county. No person shall be employed or permitted to teach in any of the district schools of the Territory, who is not the holder of a lawful certificate of qualification. *Provided*, That all normal diplomas issued after the passage of this act by the University of Deseret shall entitle the holder to a third grade certificate subject to the limitations expressed in this section. Any contract made in violation of this section shall be void.

To whom not issued

Where valid.

Normal diplomas.

Sec. 25. The county board of examiners is authorized and required to revoke, for immoral or unprofessional conduct or evident unfitness for teaching, the certificate granted by them.

When certificate to be revoked.

ARTICLE IV.—*School Districts.*

Sec. 26. Every school district now or hereafter created shall be and is hereby constituted a district corporation to be designated as — school district of — county, Territory of Utah, with its proper name inserted in the blank before the word school, and the proper name of the county inserted in the blank before the word county, and in its own proper name as such corporation may sue and be sued, contract and be contracted with and it may acquire, purchase, convey and hold real and personal property for school purposes.

District corporation.

Sec. 27. Each county and city, unless subdivided by proper authority, shall form a school district.

Creation of districts Sec. 28. The county court of any county shall create into a school district any territory not already so created, upon being petitioned so to do, by so many residents of such territory as have the care and custody of not less than twenty children of school age residing therein. The county court may change the boundaries of any school district now existing or hereafter organized when in their judgment the interests of the schools require it, or when petitioned so to do by a majority of the taxpayers residing within the school district, the boundaries of which will be affected thereby, and number of resident children of school age as in the original organization of a school district.

Change of boundaries.

New counties. Sec. 29. In any county hereafter created, the county court thereof shall so divide the county or any part thereof, which has residing therein not less than twenty children of school age, into school districts, as will best promote the permanent interest of the district schools in the county, upon the same petitions and subject to the conditions and restrictions provided in Section 3 of this article.

ARTICLE V.—*Election of School Trustees.*

Elections. Sec. 30. On the second Monday in July in the year 1890, and annually thereafter there shall be elected by the registered voters residing in each school district, except in school districts provided for in Article XV of this act, one school trustee to serve for the term of three years, and until his successor is elected and qualified.

How qualify. Said trustees shall qualify by taking and subscribing the oath of office, and giving bonds to the county in which they reside in such sums and with such sureties as the probate judge of the county, or a justice of the peace of the precinct wherein some portion of said school district is situated may approve, conditioned for the faithful discharge of the duties of their office; said oath of office and bonds shall be filed with the clerk of the county court; *provided*, that at the first election for school trustees, in any new school district, there shall be elected three trustees; one for a term of one year, one for a term of two years, and one for a term of three years, and until their successors are elected or appointed and qualified. The ballots used at such election shall state the name of the person and the length of term voted for.

First election.

First meeting of trustees. Sec. 31. The trustees, or any two of them, shall constitute a quorum for the transaction of business. They shall meet and organize on or before the last Monday in July in each year, by appointing one of their number chairman, another clerk and another treasurer, and shall at once notify the county superintendent of such organization. Said trustees, when thus organized, shall constitute the district school board.

Meetings, how called.

Sec. 32. Meetings for the election of trustees, for voting on the rate per cent. of taxes to be assessed, and on the question of issuing bonds, shall be called by the trustees, if the district be

organized, and if not organized then by at least three permanent residents of the district by causing notices to be posted in at least three public and conspicuous places within the district, at least ten days before the time for holding such meeting. Such notice shall state the time, place and object of such meeting, and if the polls are to be open at any such meeting, to determine any question, the notice shall state the hours at which the polls will be opened and closed. All business transacted at such meeting other than that specified in said notice shall be void. The voting at such meetings shall be by ballot. When a tax has been assessed for school purposes at any meeting provided for in this act, the trustees shall file with the county superintendent and county clerk within ten days after such meeting, a copy of the notice calling such meeting and a copy of the minutes thereof, which shall be kept on file by such superintendent and clerk subject to inspection by any person.

Notice.

Business.

Assessment of tax.

Sec. 33. The board of trustees of the district shall five days previous to the day of election for school trustee obtain from the proper officer having the custody of the last preceding registration list, a certified copy of said registration list, showing the names of all registered voters, residing in the precincts, covered in whole or in part by such school district. The board of trustees of the district shall act as judges of election and the clerk of the district school board shall act as clerk. The polls shall be kept open during four successive hours on the day of election. In case of vacancy occasioned by the absence of any of said officers at an election for trustee, the registered voters who are present at the time of opening the polls shall choose a person to fill such vacancy.

Registration list.

Judges of election

When polls open.

Vacancy.

Sec. 34. Immediately after the polls are closed, the judges shall proceed to count and canvass the votes cast at such election. And the person receiving the highest number of votes shall be declared elected.

Canvass of votes.

Sec. 35. The clerk of the school board shall within five days after such election, furnish each person elected with a certificate of election, a copy of which, with the oath of office, must be forwarded immediately to the county superintendent.

Certificate of election.

Sec. 36. At all elections for school trustees, for levying taxes, for voting on the issuance of bonds, or for any other purpose, the judges of election shall register the name of each voter at the time his vote is cast, and shall file such register with the clerk of the district. Such register shall be a public record and subject to inspection by any person. Challenges for cause by any qualified voter shall be allowed at the polls and promptly decided under the provisions of this act by the judges of election.

Register of votes.

Challenges.

Sec. 37. Every male person of the age of twenty-one years or over who has been a resident of the Territory for six months and of the school district for thirty days both immediately preceding the day on which any meeting is held for the purpose of voting on

Who entitled to vote.

the question of levying taxes or issuing bonds for any school district and who has paid a territorial or county school tax in any such district during the preceding year or who has been assessed for any territorial or county school tax in any such district for the year in which any such meeting is held shall be entitled to vote at any such meeting.

ARTICLE VI—*Powers and Duties of School Trustees.*

Sec. 38. The district school board shall have the general charge, direction and management of the schools of the district, and the care, custody and control of all property belonging to the district subject to the provisions of this act.

Sec. 39. It shall organize, maintain and conveniently locate schools for the education of the children of school age within the district, or change or discontinue any of them according to law.

Sec. 40. It shall make all necessary repairs to the school-houses, out-buildings and appurtenances, and furnish fuel and all necessary supplies for the schools.

Sec. 41. It shall furnish to each school all necessary and suitable furniture, maps, charts and apparatus, including Webster's Unabridged Dictionary. The school register and all school blanks used shall be those furnished by the territorial commissioner.

Sec. 42. It shall employ the teachers of the schools of the district, and may dismiss any teacher for violation of contract, immorality or neglect of duty. Every contract for the employment of a teacher must be in writing, but no such contract shall extend beyond the thirtieth day of June next following.

Sec. 43. It shall have power to admit to the schools in the district pupils from other districts when it can be done without injuring or overcrowding such schools, and shall have power to make regulations for their admission and to charge and collect reasonable fees for their tuition. It shall have power to arrange with the board of an adjacent district for sending to such district such pupils as can be conveniently taught therein when for any cause such pupils can not be conveniently taught in the district in which they reside, and for paying their tuition. It shall also have power to make proper and needful rules for the assignment and distribution of pupils to and among the schools in the district and their transfer from one school to another.

Sec. 44. It shall assist and co-operate with teachers in the government and discipline of the schools and make proper rules and regulations therefor. It may suspend or expel from school any pupil insubordinate or habitually disobedient; *Provided*, such suspension or expulsion shall not be for a longer period than ten days nor beyond the end of the current term of school, unless in the judgment of the board such pupil is incorrigible.

Sec. 45. It may permit a schoolhouse, when not occupied for school purposes, to be used for any purpose which will not

Powers of board.

Maintaining and discontinuing schools.

Repairs.

Furniture, etc.

Teachers' contracts.

Admission of pupils from other districts.

Sending pupils to other districts.

Suspension and expulsion.

interfere with the seating or other furniture or property; but for any such use or privilege, the seats shall not be removed from their places, nor shall the district be at any expense for fuel or otherwise.

Use of school house.

Sec. 46. When necessary for the welfare of the schools of the district, or to provide for the children therein proper school privileges, or whenever petitioned to do so by one-third of the resident male taxpayers of the district, as defined in Section 37 of Article V of this act, the board shall call a meeting of such resident male taxpayers at some convenient time and place fixed by the board, to vote upon the question of the selection, purchase, exchange, or sale of a schoolhouse site, or the erection, removal, or sale of a schoolhouse. The chairman of the board shall be the chairman, and the clerk of the board secretary of such meeting. In case either of these officers is not present his place shall be filled by some one chosen by such resident male taxpayers. A notice, stating the time, place and purpose of such meeting shall be posted in three public places in the district by the clerk of the district at least ten days prior to such meeting. If a majority of such resident male taxpayers present at such meeting shall by vote select a schoolhouse site, or shall be in favor of the purchase, exchange or sale of a designated schoolhouse site or of the erection, removal or sale of a schoolhouse, as the case may be, the board shall locate, purchase, exchange or sell such site, or erect, remove or sell such schoolhouse, as the case may be, in accordance with such vote of such majority; *Provided*, that it shall require a two-thirds vote to order the removal of a schoolhouse.

Meeting to decide on school house site.

Notice.

Removal of school house.

Sec. 47. If a petition, signed by the persons charged with the support, and having the custody and care of twenty or more children of school age, all of whom reside two miles or more from the nearest school, be presented to the board asking for the organization of a school for such children, the board may organize such school and employ a teacher therefor.

Petition to organize school.

Sec. 48. The district board shall determine and fix the length of time the school in the district shall be taught in each year, and when each term of school shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of school age. *Provided*, That every district school shall be kept in session not less than three terms in each school year; *Provided further*, that any school may be discontinued, when the average attendance of pupils therein for twenty successive days shall be less than twelve, or when with the consent of a majority of the patrons of such school, proper and convenient school facilities can be provided for the pupils in some other school.

Term of school.

Discontinuance of school.

Sec. 49. The board shall annually cause the clerk to make between the fifteenth and last days of July an enumeration of all persons over six and under eighteen years of age residing in the district, giving:

Annual enumeration.

First. The name, age, sex and color of each person.

Second. The number attending district schools.

Third. The number attending private schools.

Fourth. Such other facts as the law may require.

Sec. 50. It shall be the duty of the district board to cause to be set out and properly protected as many shade trees as the size, location and arrangement of the school lot will justify, and such expense shall be paid from the district school fund. It shall be the duty of the county superintendent to see that this requirement is complied with.

Sec. 51. It shall be the duty of the district board, to keep an accurate journal of its proceedings, an account of all moneys paid to the treasurer and of all moneys paid on orders drawn on the treasurer, and prepare and cause to be presented to the voters at the regular annual meeting held on the second Monday in July a statement under oath, showing: First, the moneys on hand at the date of the last annual report, the moneys received by the treasurer since such report, and from what sources received. Second, the amount of sinking fund and how invested. Third, the moneys paid out, to whom and for what paid. Fourth, the balance of school moneys in the hands of the treasurer. Fifth, the number, date and amount of every bond issued and redeemed under the authority given in this act, and the amount received and paid therefor, to which statement shall be added a report showing the management and condition of the schools in the district during the preceding year; a copy of such statement and report, together with such other reports as may be required by the territorial commissioner and for which blank forms have been provided, shall forthwith be filed with the county superintendent.

ARTICLE VII.—*Vacancies.*

Sec. 52. Should a vacancy occur in the office of county superintendent of district schools, the county court shall appoint a suitable person to fill the vacancy; such appointee shall qualify and serve until the next general election and until his successor is elected and qualified, and the county clerk shall immediately notify the territorial commissioner of such appointment.

Sec. 53. Should a vacancy occur in the office of trustee of a school district, the remaining trustees shall immediately appoint some qualified elector of the district to fill the vacancy, and such appointee shall qualify and serve until the next annual school election, and until his successor is elected and qualified. *Provided*, in case two or more vacancies occur at the same time in the office of trustee in any school district, the county court of the county in which such district is situated shall appoint to fill such vacancies.

Sec. 54. A vacancy in the office of trustee vacates the office which such trustee held in the school board and such vacancy shall be filled by appointment of the board.

Sec. 55. Any officer of a school district may resign but such resignation shall not take effect until a successor has qualified, according to law. Any office of a school district shall be deemed

vacant if the person duly elected or appointed thereto shall remove from the district, or neglect or refuse, for the period of twenty days after such election or appointment, to accept and qualify for such office. Resignation.

ARTICLE VIII.—*Duties of Teachers.*

Sec. 56. Every teacher on commencing a term of school shall give written notice to the county superintendent of the time and place of beginning such school and the time it will probably close. If such school is to be suspended for more than one week at any one time in said term, the teacher shall notify the county superintendent of such proposed suspension. Opening of term.
Suspension of school.

Sec. 57. No teacher shall be entitled to any compensation for teaching in any district school unless he is the holder of a certificate, valid and in force in the county where such school is taught, provided that if a teacher's certificate shall expire by its own limitation within six weeks of the close of a term, the holder may finish such term without re-examination or renewal of certificate. Must hold certificate.

Sec. 58. Every teacher shall keep a school register, and at the close of each term make a report in such form and containing such items, as shall be required by law. Such report shall be made in duplicate, one copy of which shall be filed with the clerk of the district and one copy filed with the county superintendent. No teacher shall be paid the last month's salary of any term, until the report for such term shall be filed as herein required. School register.

Sec. 59. The school year shall begin on the first day of July of each year and close on the last day of June of the year following. A school week shall consist of five days, a school month of twenty days, and a school term of ten weeks. No school shall be taught on a legal holiday, nor on any Saturday without the consent of the trustees. A legal holiday falling upon a day which otherwise would be a day of school shall be counted a day of school, and the teacher shall be paid therefor. School calendar.

Sec. 60. Every teacher in the district schools shall teach pupils, when they are sufficiently advanced to pursue the same, the following branches to wit: reading, spelling, writing, arithmetic, language lessons, English grammar, geography, United States history, physiology and hygiene, giving special instruction concerning the nature of, and effects produced by the use of alcoholic drinks, stimulants and narcotics. Branches to be taught.

Sec. 61. When a teachers' institute is appointed to be held for any county, it shall be the duty of the county superintendent to give written or printed notice of the time and place of holding such institute, at least ten days before the opening of the same, to each teacher in the district schools in the county, and as far as possible to all others not then engaged in teaching, who are holders of teachers' certificates. Each teacher receiving such notice who is engaged in teaching during a period which includes the time of holding such institute shall close school during the holding of such institute and attend the same, and shall be paid by the school board of the district one-half of his regular salary as teacher for the time, during which he attended such institute as certified by the county superintendent. The certificate of any teacher may be revoked by the county board of examiners when upon Notice of teachers' institute.
Closing of school.

When certificates
may be revoked.

due examination and inquiry it appears that he is guilty of inexcusable neglect or refusal to attend a teachers' institute held for such county.

Suspension of
pupils.

Sec. 62. A teacher may suspend from school for not more than five days at any one time any pupil for insubordination or habitual disobedience or disorderly conduct. In such case the teacher shall give immediate notice of such suspension, and the reason thereof, to the parents or guardian of such pupils and also to some member of the district school board.

Assignment of
studies.

Sec. 63. It shall be the duty of the teachers to assign to each pupil such studies as he is qualified to pursue and to place him in the proper classes; *Provided*, that in graded schools the principal or superintendent shall perform such duty.

Injuring school
property.

Sec. 64. Teachers shall enforce the use of text books and the rules and regulations prescribed for schools. Any pupil who cuts, defaces, or otherwise injures any school property is liable to suspension from school and upon complaint of the teacher or any trustee, the parent or guardian of such pupil shall be liable for all damages.

Religious doctrines.

Sec. 65. No atheistic, infidel, sectarian, or denominational doctrine shall be taught in any of the district schools of this Territory. Moral instruction tending to impress upon the minds of the pupils the importance of good manners, truthfulness, temperance, purity, patriotism and industry, shall be given in every district school.

Supplies may be
furnished free.

Sec. 66. Necessary text books and supplies may be furnished by the school board, free of charge to indigent pupils. Such books and supplies shall be used under the direction of the teacher.

Sec. 67. All district school in this Territory shall be taught in the English language.

ARTICLE IX.—*Text Books.*

Convention to
decide on text
books.

Sec. 68. The commissioner of schools, county superintendents and the president of the faculty of the University of Deseret, or a majority of them, shall at a convention called by the commissioner of schools, for that purpose decide what text books shall be adopted in the district schools, and their use shall be mandatory in all the district schools of the Territory; *Provided*, that text books so adopted shall not be changed within a period of five years after their adoption, except for sufficient cause to be decided at a special convention, called for that purpose, and any teacher changing any of such text books shall forfeit his eligibility as a teacher.

Changes.

Notice of conven-
tion.

Sec. 69. At least sixty days notice of the time of holding any such convention must be given by publication in a newspaper having general circulation in this Territory. Said notice shall state the subjects upon which text books will be adopted; that sealed proposals will be received by the commissioner of schools for furnishing such books; the place where, and the day and hour when all proposals will be opened, and that the convention reserves the right to reject any or all proposals.

Meeting.

Sec. 70. At the time and place specified in said notice the convention shall meet and publicly open and read all the proposals which have been received, and shall make their awards thereon within three days thereafter.

Sec. 71. Sealed proposals must be accompanied by sample copies of the books proposed to be furnished, together with a statement of the introductory and exchange price, and of the wholesale and retail

prices at which the publisher agrees to furnish each book within this Territory during the full time for which said books may be adopted. Proposals.

Sec. 72. If no satisfactory proposals are received, then the books already in use shall continue in use until changed as herein provided.

Sec. 73. The publisher or publishers, whose proposals shall be accepted, must enter into a written contract with the commissioner of schools, and shall give a bond with two sufficient sureties in a reasonable sum, to be fixed by the convention, for the faithful performance of such contract. Contract of publishers.

Sec. 74. If the trustees of any district refuse or neglect to enforce the use of the text books adopted by the convention, such refusal or neglect shall be a misdemeanor on the part of any trustee so refusing or neglecting, and shall be punishable by a fine not exceeding one hundred dollars, and by removal from office. Enforcement of use of text books.

ARTICLE X.—*School Fund.*

Sec. 75. The county superintendent of each county shall apportion the territorial and county school funds, to the several school districts thereof, according to the number of children residing in each district, over six and under eighteen years of age as appears from the last enumeration. Apportionment.

Sec. 76. No school district shall receive any apportionment of school moneys unless such district shall have maintained a school therein for at least twenty weeks during the next preceding school year, but any new district formed by the division of an old one is entitled to its apportionment when school has been maintained in the old district before division, or in the new district after division, or in both, at least twenty weeks in all; *Provided*, that when by reason of fire, flood, or other uncontrollable causes, school has not been maintained the length of time required by this section, the district may still draw its apportionment. When entitled to apportionment.

Sec. 77. Any newly organized school district shall be entitled to its proportion of the territorial and county fund which has been apportioned to the district or districts from which it was created. New districts.

Sec. 78. When the average attendance in any school district for twenty consecutive weeks in any school year falls below twelve, except for reasons mentioned in Section 76 of this act, the county superintendent is hereby authorized to withhold its proportion of the school fund for such part of the year in which no school is taught and apportion it to other districts. When withhold.

ARTICLE XI.—*Territorial and County School Tax.*

Sec. 79. The territorial treasurer shall receive and hold as a special fund, all public school moneys paid into the territorial treasury, and pay them over on the warrant of the territorial auditor issued upon the order of the territorial commissioner of schools in favor of the county treasurer of each county for the amount due said county. Public school moneys.

Sec. 80. The county superintendent shall on or before the first Monday in January of each year, furnish the county court an estimate in writing of the amount of school funds needed for the ensuing year. Estimate of school funds.

Sec. 81. Whenever the estimate of the county superintendent shows a necessity therefor, the county court of the county, at the time of making the annual levy of other county taxes, must levy a county

Levy of county
school tax.

school tax sufficient to raise the amount reported by the county superintendent and as much as may be necessary to comply with the provisions of Section 2008 of the Compiled Laws of Utah of 1888, as amended in the year 1890. Said tax shall be collected, and paid into the treasury of the county to the credit of the county school fund.

District school
moneys.

Sec. 82. The county treasurer shall receive and hold as a special school fund, subject to the orders of the county superintendent, all district school moneys from whatever source received, and keep a separate account thereof, and when the same is apportioned to the school districts, shall open and keep a separate account with each district. He shall on or before the first day of August in each year, make a report to the territorial commissioner, showing:

County treasurer's
report to commis-
sioner.

First. The amount of moneys on hand at the commencement of the school year.

Second. The amount of moneys received from the territorial school fund.

Third. The amount received from the county school tax.

Fourth. The amount received from other sources.

Fifth. The total expenditures for school purposes.

Sixth. The balance on hand at the end of the school year.

Compensation.

The county treasurer shall receive such compensation out of the county school fund as the county court may determine, for services rendered by him in pursuance of this act.

ARTICLE XII.—*Special School Tax.*

Levy.

Sec. 83. When it is necessary to raise funds to purchase a school site or improve the same, or to purchase, build, rent, repair or furnish school houses, a tax shall be levied in any sum not to exceed one per centum of all taxable property in the district at a meeting called for that purpose. The county assessors and collectors of the several counties of the Territory are hereby constituted the assessors and collectors of all district school taxes. Each shall give a bond in such sum as shall be determined by the county court, conditioned for the faithful performance of the duties enjoined upon him by the provisions of this act, and the compensation for assessing or collecting said taxes shall not exceed fifty per cent. of the rate allowed for assessing and collecting county taxes, but where the county assessor or collector receives a stated salary, then no charge shall be made for assessing or collecting such taxes.

Assessor and
collector.

Bond.

Compensation.

Computation.

Returns.

Notice.

Sec. 84. All school taxes levied by a special meeting called for that purpose, shall be computed from the valuations of the county assessment roll, and shall be levied on or before the 31st day of December of any year, and within ten days after any such levy the school board shall make certified returns of the per cent. of the taxes so levied to the county clerk and the county assessor. The county assessor shall assess for such special tax, at the time and in the manner provided by law for assessing for territorial and county taxes, and shall give to the district school taxpayers similar notices to those which are required by law to be given to taxpayers of territorial and county taxes.

Equalization.

Sec. 85. At the time of computing the county and Territorial tax, the county clerk shall compute the district school taxes which have been levied. The county court shall sit as a board of equaliza-

tion of district school taxes and shall equalize the same at the time and in the manner provided by law for equalizing territorial and county taxes.

Sec. 86. All school taxes levied and assessed under the provisions of this act shall attach to and become a lien on the real property assessed from and after the 31st day of August and on the personal property from the time of assessment. School taxes shall become due and delinquent at the same time and be collected by the same officers and in the same manner as territorial and county taxes.

ARTICLE XIII.—*Miscellaneous.*

Sec. 87. No school officer or teacher in any district school in this Territory shall act as agent for any author, publisher, bookseller or other person to introduce any book, apparatus, furniture or any other article whatever in any district school of this Territory, or directly or indirectly receive any gift or reward for so introducing or recommending the same, and any officer or teacher violating the provisions of this section, shall be guilty of a misdemeanor.

Sec. 88. Every district school shall be open for the admission, free of charge, of all children over six and under eighteen years of age, living in the district. Adults may be admitted to any district school, in the discretion of the board of trustees, at such rate of tuition as the trustees may prescribe.

Sec. 89. The district school boards shall not allow any pupil to attend the district schools, while any member of the household to which such pupil belongs is sick of any infectious or contagious disease, or during a period of two weeks after the death, recovery or removal of such sick person.

ARTICLE XIV.—*Bonds.*

Sec. 90. Whenever a duly organized school district in any county in this Territory, at any regular or special meeting called and held for that purpose, shall determine by a majority vote to issue school district bonds for the purpose of building and furnishing a schoolhouse, purchasing grounds on which to locate the same; or to fund any outside indebtedness, the trustees may issue such bonds in accordance with the provisions of this act.

Sec. 91. Before the question of issuing bonds shall be submitted to vote in any school district, the trustees shall call a meeting of the voters of such district as defined in Section 37 of this act by notices to be posted in at least five public and conspicuous places in said district, not less than twenty days before such meeting. Said notices shall state the time and place of the meeting, the amount of bonds proposed to be issued and for what purpose, and the time in which they shall be made payable; the voting at such meeting shall be by ballot; all ballots deposited in favor of issuing bonds, shall have thereon the words "bonds, yes," and those opposed thereto shall have thereon the words "bonds, no;" if a majority of the votes cast shall be in favor of issuing bonds, the trustees shall forthwith proceed to issue bonds in accordance with the vote; but if less than a majority of the votes cast are in favor of issuing bonds, there shall be no further action on the question for one year thereafter; *Provided*, however, that the question of issuing bonds shall not be submitted to a vote of

the taxpayers of any district, and no meeting shall be called for that purpose until the trustees are petitioned in writing so to do by one-third of the said taxpayers resident in said school district.

Sec. 92. The denomination of the bonds which may be issued under the provisions of this act, shall be fifty dollars or some multiple of fifty, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding six per cent. per annum, payable annually in accordance with interest coupons which shall be attached to said bonds. And no greater amount than three thousand dollars can be issued for any one schoolhouse, except in districts of more than five hundred inhabitants, and in such district the amount shall not exceed two per centum of its assessed valuation, and such bonds shall be made payable not more than twenty years from their date. The trustees may reserve the right to redeem such bonds or any of them at any time after five years from their issue.

Sec. 93. Whenever any school district has voted to issue bonds, the trustees of such district shall immediately file with the clerk of the county court of the county in which such school district is situated, a certified copy of the order of the trustees, and certified copies of the notices posted calling such meeting, together with an affidavit, showing when and where said notices were posted, and that they were posted as required by law, and the order of the trustees. The trustees shall also file with the said clerk a statement showing the number of inhabitants and value of taxable property in the district, and that the amount of bonds proposed to be issued does not exceed two per centum of the value of taxable property in the district, which statement shall be subscribed and sworn to by the trustees. The said statement shall also bear the endorsement of the county superintendent of district schools that the meeting was lawfully called and held and the voting of the taxpayers, the canvass of votes cast and all matters in relation to the proposed issue of bonds in said school district were lawfully conducted, and that such bonds may be lawfully issued. Whenever any bonds are issued under the provisions of this act, they shall be lithographed or printed on bond paper, and shall state upon their face, the date of their issue, the amount of the bond, to whom and for what purpose issued, also the time and place of payment and the rate of interest to be paid. They shall have printed upon the margin the words "authorized by act of the governor and legislative assembly of the Territory of Utah, A. D. 1890," and upon the back of the bonds shall be printed a certificate signed by the county clerk in substantially the following form: "I certify that the within bond is issued in accordance with law, and is within the debt limits permitted by the statutes of the Territory of Utah, and in accordance with a vote of the taxpayers of _____ school district of _____ county, Territory of Utah, at a regular (or special) meeting held on the ---day of --- A. D. ---, to issue bonds to the amount of --- dollars." They shall be signed by the chairman and clerk of the school district, and shall be registered and numbered in a book to be kept by the clerk for that purpose, in which shall be entered the number, date, denomination, name of the person to whom issued, and the date when the same shall become due; *Provided*, that bonds issued under the provisions of Article XV of this act shall be signed by the president and clerk and countersigned by the treasurer of the board of education.

Bonds.

Limit.

Redemption.

Filing papers.

Statement.

Form of bond.

Form of certificate.

Signature.

Sec. 94. In addition to the amount that may already be levied under the provisions of this act, there shall be levied by the trustees annually in the month of December on the taxable property of the school district so issuing bonds, and assessed and collected as other taxes are assessed and collected, a sum sufficient, not exceeding two and a half mills on the dollar of the assessed valuation of said district, to pay the interest upon such bonded indebtedness, and after five years in like manner a further tax not to exceed two mills upon the dollar shall be levied by the trustees of such district, in the month of December, for a sinking fund, to be used in payment of such bonds when they become due, and for no other purpose; except whenever there may be sufficient funds on hand, the trustees may, in their discretion, purchase any of its outstanding bonds at the lowest market price, and pay for the same out of the sinking fund; *Provided*, such price does not exceed the par value of such bonds.

Levy to pay interest

Sinking fund.

Sec. 95. Whenever any bonds are issued under the provisions of this act the trustees shall have authority to negotiate and sell such bonds for not less than their par value. And the proceeds shall be used exclusively for the purposes for which they were issued.

Sale of bonds.

Sec. 96. Bonds issued under the provisions of this act shall be a lien upon the taxable property in the school district issuing them, and when any trustees neglect or refuse to levy a tax in accordance with law to meet outstanding bonds or the interest thereon, the county court shall levy such tax, and when collected apply it to the payment of such bonds and the interest due thereon.

Lien.

Refusal to levy tax.

Sec. 97. Whenever any of the bonds of a school district shall have been redeemed or purchased by the trustees, they shall be cancelled by writing or printing in red ink across each bond and coupon, the words "paid and cancelled," and the date of payment and amount paid, shall be entered in the clerk's register against the number of the bond, and thereafter no interest shall be paid on account of the bond so cancelled, and the bonds and coupons so cancelled shall be filed in the office of the clerk of the district, until all the outstanding bonds and coupons of any one series are paid, when all such bonds and coupons shall be destroyed in the presence of a quorum of the board of trustees, and such fact shall be entered upon the records of the board.

Cancellation.

Sec. 98. Whenever any schoolhouse is to be built, the trustees shall advertise for at least thirty days in some newspaper printed in the county, or if no newspaper is printed in the county, by posting notices for the same length of time in five conspicuous and public places in the county, for sealed proposals for building such schoolhouse in accordance with plans and specifications which shall be furnished by the trustees, stating in such advertisement or notice the place where, the day and hour when all proposals will be opened, and reserving the right to reject any and all proposals. At the time and place specified in said notice the trustees shall meet and publicly open and read all the proposals which have been received, and shall award the contract to the lowest responsible bidder, and shall require of such contractor a bond in double the amount of the contract, conditioned that he will properly perform the conditions of the contract in a faithful manner and in accordance with its provisions; in case none of the proposals is satisfactory all shall be rejected, and said trustees

Notice for bids to build schoolhouse.

Awarding of contract.

shall advertise anew in the same manner as before and until a satisfactory proposal shall be submitted.

Sec. 99. The provisions of this act shall be applicable to and shall authorize the issue of bonds by such school districts as have already built schoolhouses and the taxpayers of any such school district may vote to bond the indebtedness incurred by reason of building and furnishing a schoolhouse or purchasing a site for the same, and bonds therefor may be issued in the same manner as herein provided for building and furnishing schoolhouses.

Where applicable.

ARTICLE XV.—*Schools in Cities.*

Sec. 100. All cities of the first and second classes shall be governed by the provisions of this article.

Each city subject to the provisions of this article and all territory which shall hereafter be added thereto, shall constitute one school district, and district schools therein shall be free to all residents of said district between the ages of six and eighteen years. All district schools in said district shall be under the direction and control of the board of education.

Cities of first and second class.

Sec. 101. The board of education in each city of the first class shall consist of the mayor and two trustees to be elected by and from each municipal ward; in cities of the second class it shall consist of the mayor and one trustee to be elected by and from each municipal ward of the city. Such trustees shall be and remain during their term of office resident registered voters of the ward from which they are elected. Said boards of education may hold their meetings at the city halls of their respective cities. Every registered voter who has been a resident of the school district for thirty days immediately preceding the day of election for trustees, shall be entitled to vote at such election.

Board of education.

On the second Monday in July next after the approval of this act, and biennially thereafter there shall be elected by and from each municipal ward in all cities of the second class one school trustee, whose term of office shall be two years, and until his successor is elected and qualified; and at such time each municipal ward of cities of the first class shall elect two trustees, one for the term of one year, and one for the term of two years, each of whom shall hold his office until his successor is elected and qualified; and annually thereafter in cities of the first class one trustee shall be elected by and from each municipal ward for the term of two years, and until his successor is elected and qualified.

Election of trustees

Sec. 102. Fifteen days before any election for school trustees for levying taxes, for voting on the issuance of bonds or for any other purpose named in this article, the city councils of the several cities shall appoint from each municipal ward three judges of such election. Each of said judges shall be a registered voter in the ward in which such election is to be held. The judges of election so appointed shall appoint one of their number to act as clerk who shall keep a full record of the election, including a list of the persons who vote, to be certified by the judges of election. The said judges shall conduct said election according to the provisions of this article and shall issue to each of the trustees who shall be elected a certificate of his election. Before entering upon the duties of their office each judge of election shall take and subscribe the oath of office prescribed by law.

Judges of election.

Notice of the time and place of holding said elections and the time during which the polls will remain open, which shall not be less than eight hours, shall be given by the mayor or the person acting as mayor, of said city, for six consecutive days, and within ten days previous thereto, by publishing such notice in a newspaper published in said city or by posting said notice in ten public conspicuous places in said city for not less than ten days previous to said election. The said election shall be held in the municipal wards at the time and place designated in said notice. The voting shall be by ballot and the votes shall be counted in open meeting.

Notice of election.

Sec. 103. All elections for school trustees, for levying taxes, for voting on the issuance of bonds, or for any other purpose, shall be held in the several municipal wards of the cities and at all such elections the judges of election shall register the name of each voter at the time his vote is cast, and shall immediately file such register with the clerk of the board of education. Such register shall be a public record and subject to inspection by any person. All elections shall be conducted and the qualifications of voters under this article shall be the same as required in Article V of this act when voting on similar questions, except that the judges of election shall be appointed by the city councils as provided in Section 102 of this act.

Registration of votes.

Sec. 104. The board of education shall elect their own officers; and fill any vacancy which may occur in their body. *Provided*, that any vacancy occurring previous to the annual trustee election, having an unexpired term shall be filled for such unexpired term at the first trustee election thereafter, and the ballots shall be as follows: "To fill unexpired term ending second Monday in July A. D. —"

Vacancies.

ORGANIZATION OF BOARD.

Sec. 105. The board of education shall organize before the last day of July in each year. The mayor shall be president and the board shall elect a vice-president from its members and a clerk who shall hold their offices for the term of one year and until their successors are elected and qualified; and shall also elect a superintendent of district schools who shall not be a member of the board and who shall hold his office for the term of two years and until his successor is elected and qualified. The board shall have the authority at any regular meeting to fill any vacancy which may occur among the officers of the board. All officers elected or appointed by the board shall be registered voters of the city in which they are to serve.

Election of officers of the board.

Sec. 106. The school year shall commence with the first day of July annually and close with the last day of June following. The annual reports of the president, superintendent, and of the several committees shall be presented to the board on or before the first Monday in July of each year.

Annual reports.

Sec. 107. It shall be the duty of the president to preside at all meetings of the board, to appoint all committees whose appointment is not otherwise provided for, in this act, and to sign all warrants ordered by the board of education to be drawn upon the city treasurer for school moneys. In case of the absence or disability of the president his duties shall be performed by the vice-president.

Duties of president.

DUTIES OF THE CLERK.

Sec. 108. It shall be the duty of the clerk to attend all meetings of the board, keep an accurate journal of its proceedings, have the

care and custody of the records and papers, countersign all warrants drawn upon the treasurer by order of the board, keep an account of all moneys paid to the treasurer on account of said board, and of all moneys paid or orders drawn on the treasurer by order of said board; and at least once in every six months, prepare and cause to be published in a newspaper having general circulation in said city, a statement, under oath, showing; first, the moneys on hand at the date of last report, the moneys received by the treasurer since the last report, and from what source received; second, the amount of sinking fund and how invested; third, the moneys paid out, to whom and for what paid; fourth, the balance of school moneys in the hands of the treasurer; fifth, the number, date and amount of every bond issued and redeemed under the authority given in this act, and the amount received and paid therefor, and perform such other duties as the board or its committees may require. He shall receive for his services such compensation as the board shall fix and determine

Semi-annual statement.

Compensation.

DUTIES OF THE SUPERINTENDENT.

Sec. 109. The superintendent shall have charge and control of the district schools of the city, subject to the orders, rules, regulations, and by-laws of the board of education, and shall receive for his services such compensation as the board may fix and determine. The superintendent of schools may be the clerk of the board of education.

Compensation.

Sec. 110. Before entering upon the discharge of his duties, the clerk of the board of education shall give a bond to the board of education of such city in the sum of one thousand dollars with good and sufficient sureties, to be approved by the board, conditioned for the faithful performance of his duties, and shall take and subscribe an oath or affirmation before the city recorder that he will support the Constitution of the United States, and the laws of the Territory of Utah, and faithfully perform the duties of his office.

Bond and oath.

DUTIES AND BOND OF TREASURER.

Sec. 111. The treasurer of the city shall be the treasurer of the board of education and shall give such bond to the board as it may require, said bond to be approved by the board and filed with its clerk. He shall prepare and submit in writing a monthly report of the finances of said board; and pay school moneys only upon a warrant signed by the president, or, in his absence by the vice-president, and countersigned by the clerk. The treasurer shall receive for his services such amount as the board of education may fix and determine.

Monthly report.

Compensation.

Sec. 112. There shall not be any expenditure involving an amount greater than one hundred dollars, except in accordance with the provisions of a written contract.

Limit of expenditures.

EXAMINING COMMITTEE.

Sec. 113. The board of education shall appoint from their number or otherwise two competent persons, who, associated with the city superintendent shall constitute an examining committee and the superintendent shall be chairman of said committee. Said examining committee shall have and exercise within the city the same powers as the county board of examiners exercises within the county outside of the city and teachers employed by the board of education

Powers.

shall possess all the qualifications of and be subject to the same examination as teachers employed by district school boards and be entitled to a certificate as provided in Article III of this act. The examining committee may accept teachers' certificates issued by the county board of examiners. The board of education shall determine the compensation of said examining committee and shall fill any vacancy therein. Compensation and vacancy.

POWERS OF BOARD.

Sec. 114. The school trustees of said city, together with the mayor thereof shall be a body corporate under the name of "The Board of Education of the city of——." And said board in the name aforesaid, may sue and be sued, may take, hold, lease, sell and convey real and personal property as the interests of the schools may require. Said trustees shall have the power and authority to administer oaths in proof of claims and accounts against said corporation, Proof of claims. and no such claims or accounts, except salaries of teachers, shall be audited or allowed by any board of education unless the correctness of the same shall be proved under oath.

Sec. 115. When the board of education shall have completed their first organization under and according to the provisions of this act it shall have general supervision of all the district schools of the city. The official terms of all trustees holding office at the time of the passage of this act in any city of the first or second class shall continue until the expiration of the current school year, and until the board of education herein provided for is organized, and they shall make their reports according to law. At the expiration of the school year in 1890 all school districts, in cities included in this act, shall cease to exist, and all school district offices shall become vacant, on the organization of such board of education. Official term of office.

Sec. 116. Upon the election and qualification of the board of education for any city, the trustees of all school districts in said city shall convey and deliver all the school property of said districts to the board of education of said city; and the title to all such property, and all property hereafter acquired for school purposes in said city, shall be conveyed to and vest in said board of education, for the use of the district schools of said city; and all rights, claims and causes of action, to or for said property, or the use or income thereof, or for any conversion disposition or withholding thereof or for any damage or injury thereto, shall at once vest in the board of education of said city, in trust for the use of the district schools of the city, and said board in the name aforesaid, may bring and maintain actions to recover, protect and preserve the property and rights of the district schools, and to enforce any contract relating thereto, and in its said name may sue and be sued in any court of law or equity. School property. And all outstanding debts and obligations of any such school districts shall be paid by such board of education. Debts.

Sec. 117. The board of education of said city shall have power and authority to purchase or sell schoolhouse sites; construct and erect school buildings and furnish the same; establish, locate and maintain primary schools, industrial or manual training schools, high schools; establish and support district

libraries, purchase, exchange, repair and improve the school apparatus, books, furniture, fixtures and all other school supplies in said schools; supply and loan to pupils in the several grades and departments of said schools, free of charge, all text books and supplies used by pupils of said schools; collect all books and apparatus loaned to pupils of the district schools of said city; do all things needful for the maintenance, prosperity and success of said schools, and the promotion of education; adopt by-laws and rules for the procedure of the board of education, and make and enforce all needful rules and regulations for the control and management of the district schools of said city.

Sec. 118. No school property shall be sold or conveyed by the board of education, except upon resolution of the board duly adopted, at a regular meeting, and not then without an affirmative recorded vote of at least two-thirds of all the members of said board.

CITY SCHOOL TAXES.

Sec. 119. All property held by the board of education for the use of district school shall be exempt from taxation, and shall not be taken in any manner for any debt due from the city.

Sec. 120. For all purposes of taxation the whole city shall constitute one school district.

Sec. 121. All cities organized as one district under the provisions of this act, shall receive their *pro rata* share of any territorial and county taxes levied for the support of district schools. The board of education shall, on or before the thirty-first day of December of each year, prepare an estimate and levy the taxes necessary and requisite for the support and maintenance of the district schools under its charge, for the school year commencing on the first day of July next thereafter, also the amount necessary to pay the interest accruing during such year on bonds issued by said board, and the amount of sinking fund necessary to be collected during such year for the payment and redemption of such bonds; and shall forthwith cause to be certified by the president and clerk of said board, to the assessor and collector of said city, the per cent levied by them on all property within said city as returned on the assessment roll thereof, and the said assessor and collector is hereby authorized and required to place the same on the tax roll of the city, and said tax shall be collected by the city collector as other city taxes are collected, but without additional compensation for assessing and collecting, and paid to the treasurer of said city, and held by him subject to the order of said board of education; *Provided*, that the tax for the support and maintenance of such schools, shall not exceed in any one year two mills on the dollar upon all taxable property of the said city.

BONDS.

Sec. 122. The board of education of any city may, when in their judgment it is advisable, or when petitioned by a

majority of the resident male taxpayers of the said district, as appears from the county assessment roll of the last preceding year, shall, call a meeting and submit to a vote of the district whether bonds of such district shall be issued and sold for the purpose of raising money for purchasing school sites, for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes. Duty of board.

Sec. 123. The meeting provided for in Section 122 of this act shall be called by publishing a notice signed by the president and clerk of the board of education, in a newspaper published in the district at least once a week for three successive weeks, or by posting said notice in ten public places in the district for three weeks next preceding said meeting. Such notice shall contain: First—The time and place of holding such election. Notice of meetings. Second—The name of three judges to conduct the same. Third—The hours during the day (naming not less than eight hours) during which the polls will be open. Fourth—The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding twenty, the whole or any part of said bonds are to run. Fifth—For what purpose it is proposed to issue the bonds.

Sec. 124. The board of education shall appoint three judges Judges. to conduct the election, and the voting at such meeting shall be by ballot, but no particular form of ballot shall be required, nor shall any informalities in conducting such election invalidate the same, if the election shall have otherwise been fairly conducted. Voting At such election the ballots shall contain the words "Bonds Yes" or "Bonds No."

Sec. 125. Immediately after the polls are closed the judges shall proceed to count and canvass the votes cast at such election and make returns thereof to the board of education, and said board shall within five days after said election, meet and canvass said returns, and if a majority of all the votes cast at said election are in favor of issuing such bonds, then the board shall cause an entry of that fact to be made on its minutes, and shall immediately file with the clerk of the county court of the county in which such school district is situated a certified copy of the order of the board of education and certified copies of the notices published or posted, calling such meeting with an affidavit showing when and where said notices were published or posted, and that they were published or posted as required by law and the order of the board of education. The board shall also file with said clerk a statement showing the number of inhabitants and the value of taxable property in the district that the amount of bonds proposed to be issued does not exceed two per centum of the value of the taxable property in the district, that the meeting at which the question of issuing the bonds was submitted, was lawfully called and held, that the voting, the canvass of votes cast, and all Canvassing returns To file notice and order. Statement to be filed with clerk.

matters in relation to the proposed issue of bonds in said district were lawfully conducted, and that such bonds may be lawfully issued, and thereupon said board of education shall be and they are hereby authorized and directed to issue the bonds of such district in the form and manner provided in Article XIV of this act, to the number and amount voted for at such meeting. Such bonds shall be payable out of the building fund of such district, and the money for the redemption of said bonds, and the payment of the interest thereon shall be raised by taxation, upon the taxable property in said district; *Provided*, That the total amount of bonds so issued shall not exceed two per centum of the taxable property of the district as shown by the last equalized assessment book of the territorial and county taxes.

Payment of bonds.

Limit of issuance.

Sec. 126. The board of education, in its annual estimate and levy provided for in Section 121 of this act, shall include an amount sufficient to pay the interest as the same accrues, on all outstanding bonds issued by the board, and also to create a sinking fund for the redemption of said bonds, and shall levy and cause the tax to be collected as provided in Section 121 of this act, and such money shall remain a specific fund, and shall not be appropriated or used for any other purpose than as hereinafter provided.

Annual estimate and levy.

Sec. 127. The moneys levied and collected for creating a sinking fund for the redemption of the bonds issued by the board of education, shall be used as follows :

Use of sinking fund.

First. After retaining an amount sufficient to pay the principal of bonds maturing during the year, the board shall, with the surplus of such sinking fund if the same amounts to one thousand dollars or more, redeem any of such outstanding bonds.

Cancellation.

Second. Whenever any of the bonds of the district shall have been redeemed by the board, they shall be cancelled by writing or printing in red ink across each bond and coupon, the words "paid and cancelled;" and the date of payment and amount paid shall be entered in the clerk's register opposite the number of the bond, and thereafter no interest shall be paid on account of such bonds so cancelled. The bonds and coupons so cancelled shall be filed in the office of the clerk of the board, until all the outstanding bonds and coupons of any one series are paid, when all such bonds and coupons shall be destroyed in the presence of at least two-thirds of the members of the board, and such fact shall be entered upon the records of the board.

Cancelled coupons and bonds.

Sec. 128. Bonds issued under the provisions of this act shall be a lien upon the taxable property in the school district issuing them, and when the board of education neglects or refuses to levy a tax in accordance with law to meet outstanding bonds or the interest thereon, the county court of the county in which such district is situated shall levy such tax, and apply the money thus collected to the payment of such bonds and the interest due thereon.

Lien on taxable property.

Refusal to levy.

Sec. 129. It shall be the duty of the clerk of the board of

education to register in a book provided for that purpose, the bonds issued under this act, showing the number, date, amount, when, where and to whom each of said bonds is payable. Registration of bonds.

ARTICLE XVI.—*Compulsory Attendance.*

Sec. 130. Every parent, guardian or other person having control of any child between ten and fourteen years of age, shall be required to send such child to a public, district or private school in the district, in which he resides, at least six- Time required. teen weeks in each school year, after the thirtieth day of June, 1890, ten (10) weeks of which shall be consecutive; *Provided*, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or the board of education of the city, as the case may be, whenever it shall be shown to their satisfaction that one of When pupils may be excused. the following reasons exists:

First. That such child is taught at home in the branches provided by law and for the same length of time as children are required by law to be taught in the district schools.

Second. That such child has already acquired the branches of learning taught in the district schools.

Third. That such child is in such physical or mental condition (which may be certified by a competent physician if required by the board) as to render such attendance inexpedient or impracticable. If no such school is taught the requisite length of time within two and one-half miles of the residence of such child by the nearest road, such attendance shall not be enforced.

Fourth. That such child is attending some public, district or private school.

Fifth. That the services of such child are necessary to the support of a widowed mother or an invalid father.

Sec. 131. Any such parent, guardian or other person having control of any child between ten and fourteen years of age, who wilfully fails to comply with the requirements of the last preceding section, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not more than ten dollars for the first offense, and for the second and every subsequent offense, not more than thirty dollars, and costs in each case, such fine shall be paid into the district school fund. Penalty for refusing to send child to school.

Sec. 132. It shall be the duty of the president of the board of education of any city and of the chairman of the school trustees of any district, within their respective jurisdiction, to inquire into all cases of neglect of duty prescribed in this act. Neglect of duty.

Miscellaneous.

Sec. 133. An act entitled "An act providing for the establishment and support of district schools and for other purposes," approved February 20, 1880, excepting section 23 of said act, (section 1934, compiled laws of Utah of 1888), and all acts amendatory thereof, or supplemental thereto, and also all other Conflicting acts repealed.

acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 134. The terms of office of all school trustees now in office, except the trustees of school districts situated within the limits of cities of first or second class, that would expire in the years 1891 and 1892, are hereby continued until the full terms of office for which they were elected have expired and their successors are elected and qualified and the terms of office of all county superintendents now in office are hereby continued until the expiration of the full terms of office for which they were elected have expired.

Office holders to
serve out their
term.

Sec. 135. Nothing in this act shall be construed as intended to abate, impair or invalidate any levy of taxes or assessment therefor which has been or is now being made in any school district or county in this Territory, and all such assessments shall be continued and completed and the taxes levied shall be collected in the manner provided by law.

Taxes levied prior
his

Sec. 136. This act shall take effect upon its approval.
Approved March 13, 1890.

CHAPTER LXXIII.

MINUTE CLERK.

RESOLUTION relating to the Election of Minute Clerks.

Resolved by the Governor and Legislative Assembly of the Territory of Utah: That each house is hereby authorized to elect a minute clerk, to serve during the present session of the Legislature at a compensation of five dollars per day; said sums to be paid out of the territorial treasury.

Approved January 16, 1890.

CHAPTER LXXIV.

UTAH REPORTS.

A RESOLUTION authorizing the territorial auditor of public accounts to purchase and distribute one hundred copies each of volumes four and five of the Utah Reports.

SECTION 1. *Resolved by the Governor and Legislative Assembly of the Territory of Utah:* That the territorial auditor of public accounts is hereby authorized to purchase one hundred copies each of volumes four and five of the Utah reports, and exchange one of each of said volumes with each of the States and Territories of the union and deliver one of each of said volumes to each of the following named public officers for the use of said officers respectively to wit; the county clerk

of each county. The United States district attorney. The governor and secretary of the Territory. The chief justice and associate justices of the supreme court, and the remainder said volumes to be retained by said auditor for the use and benefit of the members of the Legislature during any session thereof.

Sec. 2. That the sum of \$1000 one thousand dollars or so much thereof as may be necessary for the purchase of said books is hereby appropriated for said purpose out of any money in the treasury of the Territory not otherwise appropriated.

Approved March 12, 1890.

CHAPTER LXXV.

COMPILED LAWS.

A RESOLUTION approving and adopting the Compiled Laws of Utah of 1888.

Resolved by the Governor and Legislative Assembly of the Territory of Utah: That the Compiled Laws of Utah of 1888, as prepared and compiled by the committee appointed pursuant to the act of the Governor and Legislative Assembly, passed at the twenty-eighth session, together with the amendments made thereto at this session of the Legislative Assembly, be and the same are hereby approved and adopted: *Provided*, that this approval and adoption shall not be held or construed to be a repeal of any of the original acts or laws included in said compiled laws; but said original laws and acts shall control, wherever there is a difference between said acts or laws and said compiled laws; but full effect shall be given to all amendments made thereto at this session of the Legislative Assembly: *And provided further*, that any acts or laws included in said compiled laws, that have heretofore been repealed shall not be held or construed to be revived or re-enacted by this approval and adoption of said compilation.

This resolution shall take effect upon its approval.

Approved March 10, 1890.

MEMORIALS TO CONGRESS.

FOURTH JUDICIAL DISTRICT.

Salt Lake City, Utah,
January 27, 1890.

*To the Honorable the Senate and House of Representatives of the
United States in Congress Assembled:*

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully represent that by an act of Congress entitled "An Act providing for an additional associate justice of the supreme court of the Territory of Utah and for other purposes" approved June 25th, 1888, provision was made for the appointment of an additional associate justice of the supreme court of Utah Territory and said appointment has been made as in said act provided.

That said act of Congress while creating the office of additional associate justice as aforesaid, did not provide for the creation and organization of a fourth judicial district in said Territory, and in consequence thereof there are at present four district judges in said Territory operating in three districts, to the great inconvenience of the judges aforesaid and of the people of said Territory.

That your memorialists are of the opinion in view of the statutes of the United States heretofore passed and approved, authorizing the division of said Territory into three judicial districts, that the Governor and Legislative Assembly of said Territory are powerless to create a fourth judicial district or provide for the organization thereof, notwithstanding the same is necessary, and will be convenient for the due, proper and economical administration of the law, in said Territory.

Your memorialists therefore respectfully pray your honorable body for such legislation as will enable said Governor and Legislative Assembly to create and organize a fourth judicial district in said Territory, and alter, change and modify, from time to time, the organization of the several judicial districts in said Territory in such manner as said Governor and Legislative Assembly may deem wise and expedient.

And your memorialists will ever pray.

Approved January 29, 1890.

PROTEST AGAINST REMOVAL OF UTE INDIANS TO UTAH.

To the Senate and House of Representatives of the United States in Congress assembled :

Your petitioners the Governor and Legislative Assembly of Utah, desire to set forth :

That the presence of the Southern Utes in southern Colorado is offensive to certain citizens of that State, and it is therefore proposed to effect their removal to Utah.

It is further proposed and urged by said citizens of Colorado, that for these Indians, a tract of three million acres of the public domain be set apart in Utah, and that they have the freedom of three million acres additional in this Territory for hunting and other purposes.

The proposition receives no support from the citizens of Utah. The feeling in this Territory is universal and strong against it.

The citizens of Utah need and desire that all lands in the Territory belonging to the public domain and not included in Indian or other reservations be open to industrious and law-abiding citizens, such as may be able to govern themselves, and make positive and valuable contributions to the wealth and prosperity of the Territory.

Your petitioners desire to represent further that within the tract in Utah proposed as the home of the Southern Ute Indians, extensive and valuable mineral deposits are found. Among these are extensive placer deposits. Nearly one thousand five hundred (estimated) settlers have found their way to this region and are developing its resources. Many others, engaged in stock raising and farming, would have their property and perhaps their lives imperiled by the proximity of large bands of Indians, living by no fixed and regular occupations. Besides, on the north of these settlers are the extensive reservations of the Uintah and Uncompahgre Utes. Between these reservations and the proposed reservation on the south, would be no desirable location for the establishment of American homes.

Further; in case such transfer of Indians as above described should be made, great damage and injustice would be done in general to the interests of this entire Territory and particularly to those citizens of Utah now residing on or near the proposed reservation. To them it would mean in many instances the losses and hardships involved in abandoning their homes and seeking others. Valuable rights would have to be relinquished; many homes would be placed in fear; important and extensive natural resources, both mineral and agricultural, would have to be abandoned and would remain permanently undeveloped. Great inducements now offered by this Terri-

tory to industrious and able immigrants would become valueless, and a positive injury be inflicted upon us in the presence of a large and idle population, acting both as a hindrance and a menace to our progress.

Moreover, it does not appear that in the proposed transfer, any advantage would accrue to the Indians. Rather, the large increase in territory, accessible to them in the proposed reservation, would be a continual inducement to a nomadic and lawless life. They would be deprived of the advantages of a neighboring compacted American population, with which they are now, to their great benefit, permitted to mingle freely. In Utah, on the contrary, the American ranchmen and farmers are more isolated, and the neighbors with whom the Indians would most freely mingle would be the Uintah and Uncompaghre Utes, of civilization not superior to their own.

We, therefore, your petitioners, earnestly pray that you permit no change to be made in the reservation of the Southern Ute Indians of Colorado, such as shall involve their transfer to the Territory of Utah.

And your petitioners will ever pray.

Approved January 31, 1890.

FEDERAL BUILDING AT SALT LAKE CITY, UTAH.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists the Governor and Legislative Assembly of the Territory of Utah, respectfully represent:

That whereas it has come to the knowledge of the people of this Territory that it is now proposed by your committees to reduce the amount heretofore asked for to erect a federal building in Salt Lake City, and

Whereas, in the opinion of your memorialists any such reduction would be prejudicial to the public interests, since the erection of any building for federal purposes in said city, upon a smaller scale than the one contemplated in the request heretofore made to your honorable bodies, would be insufficient for the needs and purposes aforesaid and not adequate to the present, much less, the future demands of this rapidly growing Territory.

Your memorialists therefore respectfully urge that the amount for the purposes aforesaid be not reduced and that the sum of five hundred thousand dollars be appropriated for said purposes, and

Your memorialists will ever pray.

Approved February 28, 1890.

FEDERAL BUILDING AT OGDEN, UTAH.

Memorial to the Senate and House of Representatives in Congress Assembled:

We, your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully represent that there is urgent and increasing need of a government building at Ogden, Utah, to accommodate the federal court, the post-office, the United States marshal's office, the quartermaster's office, and the various other government interests centered in that enterprising and important city; wherefore, your memorialists respectfully ask that an appropriation of two hundred and fifty thousand dollars be made for the purpose of constructing said building, and your memorialists will ever pray.

Salt Lake City, Utah, March 4, 1890.

Approved March 5, 1890.

I approve the above memorial for the following reasons: Ogden has now a population of about twenty thousand, and is rapidly growing. It is one of the termini of the Union Pacific, Central Pacific, Denver & Rio Grande, and Utah & Northern railways. It is an important business centre, and the amount asked for is necessary to erect a building large enough to meet the needs of the public service.

ARTHUR L. THOMAS,
Governor.

 DEEP HARBOR.
To the Honorable the Senate and House of Representatives of the United States in Congress Assembled:

Whereas the growing necessities of the west demand a first class harbor on the gulf coast in the State of Texas, in order that the surplus products of the State of Texas, and neighboring States and Territories, may find an outlet to the markets of the world by a shorter route than is now open to them, and at a vast annual saving to the producers, and

Whereas, the annual surplus tonnage of farm and manufactured products of the west, amounts annually to many millions of tons, and

Whereas the Congress of the United States, did, at its last session provide for the appointment of a special board of engineers whose duty it was to report to the present Congress, the most eligible point or points upon the gulf coast of Texas for a deep harbor, to be of ample depth, width and capacity to accommodate the larger ocean going vessels, and the commercial

and naval necessities of the country; and such special board of engineers having been appointed as provided by said act of Congress, did, after due examination of the harbor of Galveston, among other things, report in favor of Galveston as such point, and recommend the appropriation by Congress of the sum of \$6,200,000, for the improvement of that port and harbor, and

Whereas, the committee on commerce in the United States Senate has reported to the Senate, a bill making an appropriation for the purpose aforesaid, of which the following is a copy "Be it enacted etc. that for the purpose of securing the work of improving the entrance to Galveston harbor, Texas, the Secretary of War, upon the application of the chief of engineers is hereby authorized, in his discretion, to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate six million two hundred thousand dollars, the amount estimated as necessary for the completion of the same, as shown in the reports of the chief of engineers for the year 1889; *Provided* however, that the amounts so drawn from the treasury shall not exceed one million dollars in any one year and that an itemized statement of said expenditures shall accompany the annual report of the chief of engineers.

"The amount required for the completion of this work as herein proposed is hereby appropriated out of any money in the treasury not otherwise appropriated."

Therefore, be it resolved by the Governor and Legislative Assembly of the Territory of Utah, that the Congress of the United States is hereby earnestly requested to pass the bill now pending in the Senate above referred to.

Approved March 10, 1890.

IN AID OF IRRIGATION.

Memorial to the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully petition you to enact into law, Senate Title 326, "A bill ceding upon condition, public lands to the State of California and other existing States, and to the eventual states to be formed out of the existing Territories, in aid of the irrigation of dry and arid lands."

We believe that such a law would greatly aid the important work of reclamation of vast tracts of land now useless, and would add to the population, wealth and grandeur of this country's western domain.

And your memorialists will ever pray.

Approved March 10, 1890.

PUBLIC PARK.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, would respectfully represent:

That Big Cottonwood canyon, in Salt Lake county, Utah Territory, is one of the chief sources of water supply for Salt Lake Valley:

That the country situate at the head of this canyon was until within a few years heavily wooded, thus affording protection for the snows deposited over a large water shed, thus furnishing a steady flow of water throughout the summer months for irrigating and other purposes.

That the canyon is now being rapidly denuded of trees for the purpose of sawing into lumber, and of undergrowth, by pasturing of large herds of sheep:

That by such denuding the snows are melted rapidly, causing freshets in the spring and drought later in the season, to the great damage of the inhabitants of Salt Lake valley:

That Big Cottonwood canyon contains many mountain lakes, of much scenic interest and great beauty, and is the great resort for the people of Utah, during the hot summer months:

Your memorialists therefore humbly pray that, saving all mining and other rights heretofore acquired, all land belonging to the United States, lying in the region of country bounded by the divides between Big Cottonwood and Parley's Park, Snake Creek, Mill Creek and Little Cottonwood canyons, respectively, for a distance of ten miles westerly from the head of Big Cottonwood canyon, be granted to the Territory of Utah, and set apart as a public park in which it shall be unlawful to cut any growing trees, or to pasture cattle or sheep, and

Your memorialists as in duty bound will ever pray.

Approved March 10, 1890.

RELATING TO SCHOOL LANDS.

To the Honorable the Senate and House of Representatives of the United States of America in Congress Assembled:

Your memorialists the Governor and Legislative Assembly of the Territory of Utah would respectfully represent to your honorable body that there exists in said Territory a necessity for an improvement in the public schools of said Territory of Utah:

That under the laws of the United States Sections 16 and 36 of each township in the Territories are reserved from the public domain for the benefit of the public schools when such Territories becomes States; and

That such sections of land are not available until after the admission into the Union of such Territories;

That by act of Congress of August 9th, 1888, Congress permitted the Territory of Wyoming to lease the said reserved lands to settlers for the benefit of the public schools of said Territory of Wyoming

That by such an act in behalf of the Territory of Utah the public schools thereof would be greatly benefitted and public education greatly enhanced,

That said Sections 16 and 36 as set apart by Congress for the benefit of public schools are now being used and improved and the public schools receiving no benefit therefrom; and

Your memorialists therefore ask that the Congress of the United States of America do pass an act enabling and allowing said Territory of Utah to lease for the use and benefit of the public schools of said Territory all the lands thus reserved by the statutes of the United States of America within the confines of said Territory of Utah and as in duty bound

Your petitioners will ever pray.

Salt Lake City, Utah, March 10, 1890.

Approved March 11, 1890.

LEGISLATIVE SESSION UTAH LEGISLATURE.

To the Honorable the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, would respectfully represent.

That for the increasing magnitude of the interests of the Territory of Utah, the term of legislative session, now limited by law to sixty days biennially is inadequate.

Your memorialists, would therefore urge upon your attention the propriety of providing by special enactment, for a biennial legislative session for the Territory of Utah, of not less than ninety days, and a per diem therefor of six dollars, and

Your memorialists will ever pray.

Approved March 13, 1890.

CERTIFICATE.

TERRITORY OF UTAH, } ss.
SECRETARY'S OFFICE.

I, Elijah Sells, Secretary of the Territory of Utah, do hereby certify that the laws, resolutions and memorials published in this volume, beginning on page one and ending on page one hundred and forty-four, are full, true and correct copies of the originals, passed during the twenty-ninth session of the Utah Legislature (1890), as the same appear on file in this office.

In witness whereof, I have hereunto set my hand and affixed
[SEAL.] the great seal of the Territory. Done at my office in Salt
Lake City, Utah, this third day of May, A. D. 1890.

ELIJAH SELLS,

Secretary of Territory.

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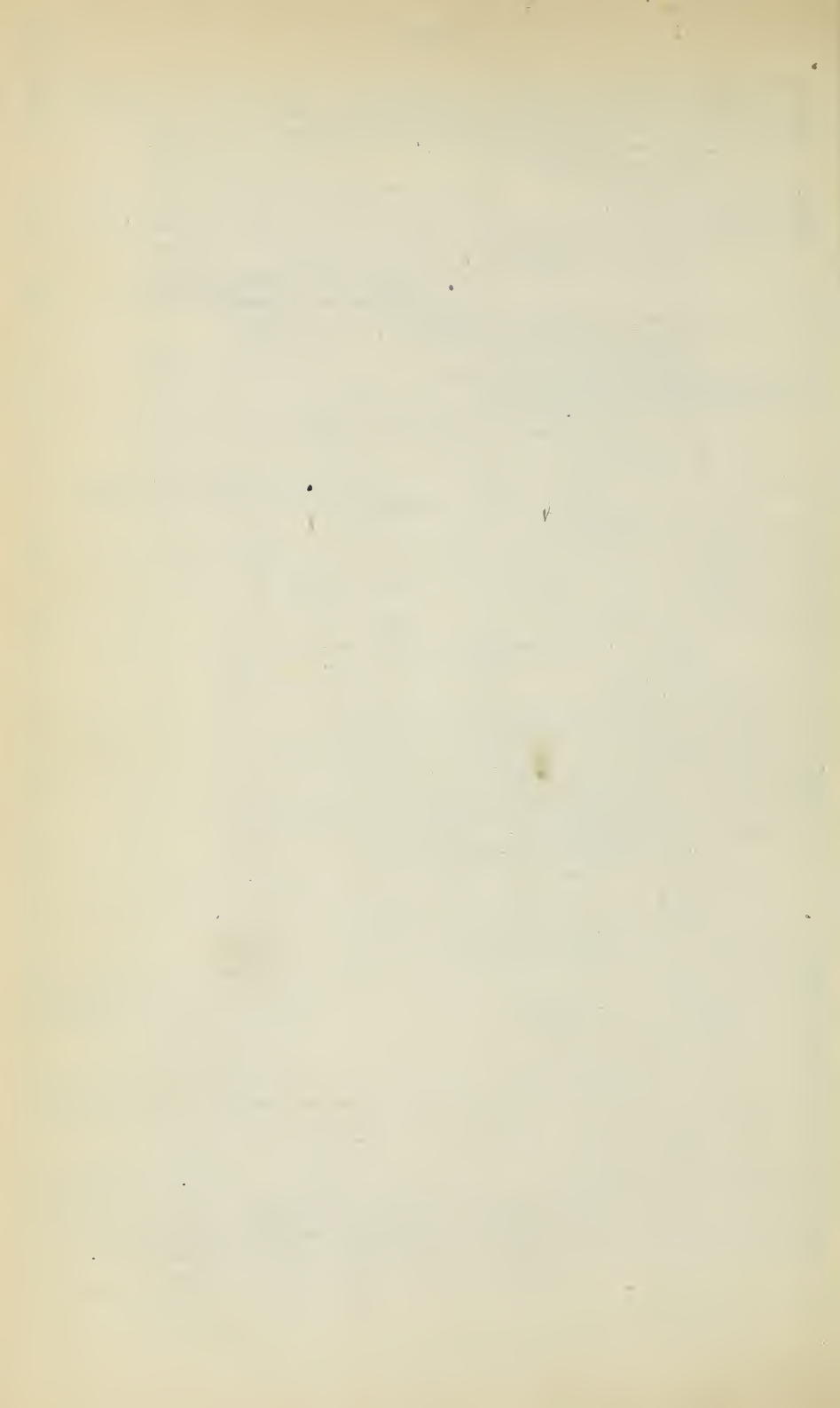
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LAWS

OF THE

TERRITORY OF UTAH,

PASSED AT THE

THIRTIETH SESSION

OF THE

LEGISLATIVE ASSEMBLY,

HELD AT

The City of Salt Lake, the Capital of said Territory,
Commencing January 11, A. D. 1892, and
Ending March 10, A. D. 1892.

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SECRETARY:

ELIJAH SELLS.

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LAWS
OF THE
TERRITORY OF UTAH,
PASSED AT THE
THIRTIETH SESSION
OF THE
LEGISLATIVE ASSEMBLY.

CHAPTER I.

CONTINGENT EXPENSES.

AN ACT to provide for the Payment of Contingent Expenses of the Thirtieth Session of the Legislative Assembly of the Territory of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the sum of twelve hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of the funds of the Territorial treasury, for the purpose of defraying the contingent expenses of the Thirtieth session of the Legislative Assembly; and the Auditor of Public Accounts shall draw his warrant on the Treasurer for such money, or any portion thereof, upon the request in writing of the President of the Council and Speaker of the House of Representatives.

SEC. 2. This act shall take effect from and after its approval.

Approved January 27, 1892.

CHAPTER II.

SCHOOL BONDS.

AN ACT in relation to the Payment of Interest and Commissions in Aid of the Sale of School Bonds in Cities of the First and Second Classes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah.

SECTION 1. That in all cities of the first and second classes, where school bonds have been or may hereafter be voted, it shall be lawful for the Board of Education to make the interest thereon payable semi-annually.

SEC. 2. In all cases named in the first section of this act it shall be lawful for the Board of Education to pay a reasonable commission for the sale of such bonds, not exceeding five per cent off from the par value of the same; *Provided*, That no commission shall be paid for the sale of any such bonds when the rate of interest exceeds five per cent per annum.

SEC. 3. That all acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

Approved January 28, 1892.

CHAPTER III.

EMINENT DOMAIN.

AN ACT to amend Section 3850 of the Compiled Laws of 1888 in the Chapter entitled "Eminent Domain."

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Section 3850 of the Compiled Laws of 1888, is hereby amended by adding thereto a sub-division to be numbered "4" as follows:

4. If the plaintiff is a railroad, mining, or irrigation company, it may move the court or a judge thereof, at any time after the commencement of the suit, on notice to the defendant or defendants, if they are residents of the judicial district or have appeared in the action, otherwise by serving a notice directed to them on the clerk of the court, for an order permitting the plaintiff to occupy the premises sought to be condemned, pending the action, and to do such work thereon

as may be required for the easement sought, according to its nature. The court or a judge thereof shall take proof by affidavit or otherwise, of the value of the premises sought to be condemned and of the damages which will accrue from the condemnation, and of the reasons for requiring a speedy occupation, and grant or refuse the motion according to the equity of the case and the relative damages which may accrue to the parties. If said motion is granted, the court or judge shall require the plaintiff to execute and file in court a bond to the defendant or defendants, with sureties to be approved by the judge or clerk of the court, in a penal sum to be fixed by the court or judge, not less than double the value of the premises sought to be condemned and the damages which will ensue from condemnation, as the same appear to the court or judge on the hearing, and conditioned to pay the adjudged value of the premises and all damages, in case the property is condemned, and to pay all damages arising from occupation before judgment in case the premises are not condemned, and all costs adjudged to the defendant or defendants in the action. The amounts fixed shall only be for the purposes of the motion and not admissible in evidence on final hearing. The court or judge may also restrain the defendant, or defendants, from hindering or interfering with the occupation of the premises and doing thereon the work required for the easement, pending the action.

Bond for damages.

SEC. 2. This act shall be in force from and after the date of its approval.

Approved Feb. 1, 1892.

CHAPTER IV.

EXEMPTIONS.

AN ACT to amend Subdivision 2 of Section 3429 of the Compiled Laws of 1888.

Be it enacted by the Governor and Legislative Assembly of Utah Territory that subdivision 2 of section 3429 of title IX chapter 1, of the Compiled Laws of Utah, 1888, is hereby repealed and the following substituted in lieu thereof.

Subdivision 2. Necessary household, table, and kitchen furniture, belonging to the judgment debtor of the value of three hundred dollars; also one sewing machine; family hanging pictures, oil paintings and drawings, portraits and their neces-
Personal property
exempted.

sary frames, provisions, actually provided for individual, or family use, sufficient for three months; two cows with their sucking calves, two hogs and all sucking pigs; all wearing apparel of every person or family, also all beds and bedding of every person or family.

Approved February 2, 1892.

CHAPTER V.

CRIMINAL PROCEDURE.

AN ACT to amend Section 4933 of the Compiled Laws, 1888, relating to Criminal Procedure.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section forty-nine hundred and thirty-three of the Compiled Laws, 1888, be, and the same is hereby, amended by adding at the end thereof the following:

Provided, That an indictment for larceny may contain also a count for obtaining money by false pretenses, a count for embezzlement and a count for receiving or buying stolen property knowing it to be stolen.

Indictment may contain more than one count.

That an indictment for forgery may contain a count for uttering a forged instrument, knowing it to be a forgery.

Indictment and conviction on different charges.

That an indictment for robbery may contain a count for larceny.

That an indictment for burglary may contain a count for housebreaking and one for larceny.

Jury may convict on any one of counts joined.

And the jury may convict of any offense charged in any of the counts so joined: and the jury who shall try the same may find any or all of the persons indicted guilty of either of the offenses charged in the indictment; *Provided further*, that no person shall be convicted of more than one crime on the same facts, constituting such crime.

Approved February 2, 1892.

CHAPTER VI.

INSANITY.

AN ACT for the Disposition of Persons Charged with Crime, who shall escape Indictment or be Acquitted on the ground of Insanity, or who may become Insane while serving a term of Imprisonment under a conviction upon a Criminal Charge.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That whenever any person charged with any crime shall have escaped indictment, or shall have been acquitted of any criminal charge, upon trial, on the ground of insanity, or who may become insane while serving a term of imprisonment under conviction on a criminal charge, the court in which such charge is pending, or by which such person was sentenced, being certified by the jury, or officer in charge of such person, or otherwise of the fact, shall carefully inquire and ascertain whether such person's insanity in any degree continues, and if it does, shall order such person into safe custody and to be sent to the Territorial Insane Asylum, there to remain in close confinement and under strict surveillance, until he or she shall recover, or shall otherwise be discharged according to law.

Inquiry, commitment and payment of expenses.

SEC. 2. The expenses consequent upon sending such person to the asylum and while there confined shall be paid by the Territory in the first instance; but the Territory may recover the amount so paid from the estate of such person if there be any estate, or from any relative or county charged by law with maintaining such person elsewhere, by an action in any court having jurisdiction.

May recover.

Approved February 2, 1892.

CHAPTER VII.

POLYGAMY.

AN ACT to Punish Polygamy and Other Kindred Offences.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Every person who has a husband or wife living, who, hereafter marries another, whether married or single, and any man who hereafter simultaneously, or on

Polygamy.

the same day, marries more than one woman, is guilty of polygamy, and shall be punished by a fine of not more than five hundred dollars and by imprisonment for a term of not more than five years; but this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former marriage which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract.

Cohabitation.

SEC. 2. That if any male person, hereafter cohabits with more than one woman, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than six months, or by both said punishments, in the discretion of the court.

Adultery.

SEC. 3. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

Incest.

SEC. 4. That if any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

Fornication.

SEC. 5. That if an unmarried man or woman commits fornication each of them shall be punished by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one hundred dollars.

Counts may be joined.

SEC. 6. That counts for any or all offences named in sections 1 and 2 of this act, may be joined in the same information or indictment.

SEC. 7. That counts for any or all offences named in sections 3 and 5 of this act may be joined in the same information or indictment.

SEC. 8. That in all cases where there has been a prosecution, acquittal or conviction under any of the laws of the United States, for any of the crimes defined in this act, that

such prosecution, acquittal or conviction shall operate as a bar ^{Shall operate as a bar.} for any prosecution for the same offences under the provisions of this act.

SEC. 9. In all prosecutions under this act the district ^{Jurisdiction.} court shall have exclusive original jurisdiction.

SEC. 10. This act shall take effect from and after its approval.

Approved February 4, 1892.

CHAPTER VIII.

RAILROAD COMPANIES.

AN ACT to Amend Chapter III, of Part Fourth of the Compiled Laws of Utah 1888, Entitled, "Railroad Companies."

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Section 2315 of the Compiled Laws of Utah 1888, is hereby amended by striking out the word "ten" in the first line thereof and inserting the word "seven" in place of "ten." Section 2319 is amended by inserting the word "or" before the words "the certificate," in the twenty-third line of said section. Section 2322 is amended by inserting the words "or in Salt Lake City, Utah," after the word "constructed" in the fifth line thereof. Section 2323 is amended by erasing the words "three-fourths" in the twentieth line, and substituting the words "two-thirds," and by erasing the words "two-thirds," in the twenty-third line, and inserting in place thereof "a majority," and by adding after the words "capital stock," in the twenty-ninth line, the words "and otherwise amend said Articles of Association." Section 2333 is amended by adding at the end thereof the following clause: "Every railroad company heretofore or hereafter organized under the laws of Utah, or the laws of Utah and any other Territory or State, shall have the power to survey for, locate, construct, acquire and operate spurs or branch lines of railroad, connecting with the main lines or branch lines described in its Articles of Association, to the length and distance of not to exceed five miles each, upon lines of survey to be approved by the company, and the powers and duties of the company as to the survey, location, right of way, construction and operation thereof, shall be the same as those respecting lines specified in its Articles of Association,

May re-locate sections of its line.

though not named in said Articles. And any such company, for the purpose of improving its alignment, curvatures, gradients, or otherwise bettering its location, may from time to time re-locate sections of its line between principal termini, either before, during, or after construction, and said company shall have the same power to survey for such relocations as for the original or first location, and upon the approval of such surveys by the company, it shall have the same powers, and be subject to the same duties, in regard to the construction and operation of said re-located sections as it has by law for an original or first location." Section 2361 is amended by striking out the word "thirty," in the fourth line from the top of page 35, Volume II, of said Compiled Laws, and substituting "twenty" in its place.

SEC. 2. This act shall take effect from and after the date of its approval.

Approved February 4, 1892.

CHAPTER IX.

UNIVERSITY OF UTAH.

AN ACT to Change the Name of the University of the State of Deseret and amend the Law Providing for its Government.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Power to exercise rights.

SECTION 1. The name of the University organized under an act approved February 28th 1850, and laws amendatory of and supplementary to said act, shall hereafter be "University of Utah," and with and by said name it is constituted and continued a body corporate, with perpetual succession, and it may have and use a corporate seal, and by said name sue and be sued, and contract and be contracted with. It is vested with all the property, credits, effects and franchises, and is subject to all the contracts, obligations and liabilities of the existing corporation.

It may take and hold to its use by purchase gift, devise or bequest, real and personal property and moneys credits and effects, and by sale or exchange receive and use the proceeds of property not applicable to its uses in specie. It shall be deemed a public corporation and be subject to the laws of Utah, from time to time enacted, relating to its purposes and government, and its property, credits and effects shall be exempt from all taxes and assessments.

SEC. 2. The University shall be the highest branch of the public system of education in Utah, and, as far as practicable its courses and methods of instruction shall be arranged to supplement and continue the instruction in other branches of the public system, and with a view to afford and complete a thorough education to students of both sexes in arts science and literature, and in such professional branches as may be included in its courses of instruction. Educational.

SEC. 3. The government of the University and the management of its property and affairs is vested in a board of nine regents, five of whom shall constitute a quorum, and, except as herein provided, the term of office of each regent shall commence on the first day of July next after his appointment or election, and continue for six years and until a successor is appointed or elected and qualified. In 1892 nine regents shall be appointed, three of whom shall hold office from the time of appointment until July 1st 1894, three shall so hold until July 1st 1896, and three shall so hold until July 1st 1898, and each shall also hold until a successor is appointed or elected and qualified. After 1892, three regents shall be appointed or elected biennially. A vacancy in the office of a regent occurs by his permanent removal from Utah; by his incapacity to act; or by the acceptance of his resignation by the Governor, and the Governor may, by appointment, fill the vacancy for the remainder of the term and until a successor is appointed or elected and qualified. Each regent, before entering upon the duties of his office, shall take an official oath and give to the University a bond, with sureties approved by the Secretary of Utah, in the penal sum of one thousand dollars conditioned for faithful discharge of his duties, and the oaths and bonds shall be filed in the office of said Secretary. No regent shall be directly or indirectly interested in any contract, involving any pecuniary compensation or benefit, made by or in behalf of said University, or receive any compensation for his services as regent, but regents may be allowed actual expenses incurred in attending meetings of the board or its committees, or in attending to the business of the University under authority granted by the board or its committees. Management.

SEC. 4. The regents shall appoint one of their number chancellor and he shall hold the appointment two years and until a successor is appointed, he shall act as chairman and be the executive officer of the board. They shall also appoint a secretary, who may be a regent, and a treasurer who shall not be a regent and may define their duties and require bonds to the University and fix the amount thereof for the faithful discharge of their duties. Bonds taken by the University to secure the faithful discharge of official duties, shall be copied in the regents record book, and in case of the loss or destruc- Sureties.
Duties of Board of Regents.

Biennial report.

tion of any bond the record shall be prima facie evidence of its contents and execution as the same appear in the record. The regents shall make a biennial report to the Governor and Legislature during the first ten days of each session, (not special) showing the condition, income and expenditures to the end of the preceding fiscal year, with an additional general statement of its affairs from the end of the fiscal year to the 31st of December prior to the meeting of the Legislature, and with estimates of the income and expenses for the remainder of the fiscal year and for the ensuing two fiscal years, with such other statements and recommendations as they may deem useful.

Graduates qualified to teach.

SEC. 5. The normal school shall be continued, as a department of the University, for students of both sexes, and its course of instruction may extend to a period of four years or until graduation, and its course shall include practice in teaching and instruction in pedagogy. Students selected for the normal department, as now provided by law, may be examined before admission and rejected unless found qualified to enter upon the normal course of instruction prescribed by the University. Graduates in the normal course shall receive a certificate which, for the term of five years thereafter, shall be sufficient evidence of the holder, without examination as to scholarship, to teach in the common schools in the grade or grades mentioned in the certificate, and the University may provide for granting a degree to graduates in the normal course who have satisfactorily taken a course of studies prescribed, and leading to the degree, and the degree shall be sufficient evidence of the holder to thereafter teach in the common schools, without examination as to scholarship.

Deaf mute department.

SEC. 6. The school for deaf mutes shall remain a department of the University until separated therefrom, as may be provided by law.

Military department.

SEC. 7. The military department, as now organized, shall be continued until the end of the academic year in June 1894, and thereafter it may be continued or abolished, or continued as to certain classes with exemptions, to other classes, as the regents may deem best.

SEC. 8. A course of studies preparatory to regular university courses may be maintained for such length of time as the regents think it necessary to fit students for the university courses.

Cost of instruction.

SEC. 9. Instruction in the preparatory, normal, and regular university courses shall be free to actual residents of Utah, but an entrance fee not to exceed ten dollars for residents, and not to exceed fifty dollars, for nonresidents of Utah, may be required, and the regents may fix a reasonable charge for instruction in special studies not embraced in

regular courses, and for postgraduate instruction. No partisan political, or sectarian religious doctrine shall be taught or inculcated in the University, and no political or religious tenet shall be required as a qualification of any student, instructor, officer or employee of the University.

SEC. 10. The fiscal year of the University shall hereafter commence on the 1st day of July and end on the 30th day of June in each year, and biennial appropriations for maintenance shall be deemed to be for the two years beginning on the 1st day of July next after the appropriations are made, unless otherwise specified, and the proper pro rata thereof may be drawn from the Treasurer of Utah, quarter yearly in advance, on Auditors warrants.

Fiscal year and
appropriations.

SEC. 11. The regents may adopt by-laws and from time to time repeal, amend or add to them, and therein provide for the organization of the board; for its general and special meetings; for the distribution of the business of the university to committees; for an executive committee of five of its members a majority of whom shall constitute a quorum having the powers of the board in the ordinary business of the University between meetings of the board.

Executive commit-
tee.

The board shall employ and appoint a President of the University, and employ or provide for the employment of all instructors and employees. They may provide for the organization of a faculty of the instructors of which the President shall be the chairman and executive officer, and they may commit to the faculty the general management and control of instruction, and the exercise of such powers regarding the examination, admission, classification and instruction of students as the regents may deem proper. All contracts hereafter made with instructors and other employees, whether for a definite or indefinite time, shall be subject to termination at any time at the will of the regents or their executive committee when in their judgment the interests of the university require it.

President.

Contracts.

SEC. 12. The University may grant degrees, to students who have satisfactorily completed any of its prescribed courses of study, and it may also grant a special honorary or emeritus degree to any former member of its faculty, for long or eminent service in the University, but no other honorary degree shall be granted.

Degrees.

SEC. 13. Sections 1835, 1836, 1841, and the last period of eight lines of section 1845 of the Compiled Laws of 1888, and all other laws relating to the University in conflict with the provisions of this act, are hereby repealed.

Repeal.

SEC. 14. This act shall take effect from the date of its approval.

Approved February 17, 1892.

CHAPTER X.

COMPILATION OF A NEW INDEX LAWS OF UTAH.

AN ACT Providing for the Compilation of a New Index of the Laws of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Appointees.

SECTION 1. That David Evans, J. N. Kimball, and M. F. Arnett, are hereby appointed and constituted a committee to compile during the present session of the Legislative Assembly, a new and complete index of the Compiled Laws of Utah, one which will embrace an entirely new index of volumes One and Two of the Compiled Laws of 1888 and include the index of the Session Laws of 1890.

Assistance authorized.

SEC. 2. Said committee are hereby authorized to employ such professional assistance as may be necessary for the accomplishment of said compilation and shall report to said Legislature from time to time during said session such portions of said work as may be completed; and report the whole thereof systematically arranged and compiled on or before the first day of March A. D. 1892.

Subject to approval.

SEC. 3. Said compilation shall be subject to the approval of the said Legislature, and said committee shall, at all times, be under the direction and control of the same, and the compensation of those employed by said committee, and the expense of said book shall be as determined by the Legislature.

SEC. 4. That if it shall be found to be impracticable to complete this work within the time specified in this act, or during said session, said committee shall continue the work of said compilation, and complete and publish, as soon as practicable, the same, together with the Session Laws of 1892.

SEC. 5. Said publication shall be in suitable form, and properly bound, and there shall be furnished not exceeding three thousand copies. The printing and binding of said work shall be let by said committee, to the lowest responsible bidder.

Distribution.

SEC. 6. Said books when completed shall be placed by the committee in the hands of the Auditor of Public Accounts to be by him distributed to the Governor, Secretary, and to the judges of the Supreme Court of this Territory, members of the present Legislative Assembly, members of the Utah Commission, and Territorial, county and precinct officers, one copy each; and that the Auditor retain one hundred copies for the use of future Legislative assemblies, and place

the residue of said books in the hands of the Territorial Treasurer, to be sold by him to all other persons at such rates as said committee shall direct, and place the proceeds of such sales in the Territorial Treasury.

SEC. 7. The Auditor of Public Accounts shall before distributing the books herein provided to be furnished to the county and precinct officers, cause notice to be inserted in each book that it is the property of this Territory and is furnished for the use of the office to which it is delivered and must be transmitted by the incumbent thereof, at the expiration of his term, to his successor in office.

Property of the
Territory.

SEC. 8. It shall be the duty of each county and precinct officer who receives any such index to carefully preserve, the same, and at the expiration of his term of office to immediately deliver it to his successor in office, and any such county or precinct officer who wilfully neglects or refuses to so deliver such book or books to his successor upon demand being made therefor, shall be deemed guilty of a misdemeanor, and may be fined in any sum not exceeding fifty dollars and the cost of prosecution.

Preservation of
books.

SEC. 9. This act shall be in force from and after the date of its approval.

Approved February 18, 1892.

CHAPTER XI.

PRIVATE CORPORATIONS.

AN ACT amending Section 2288, of the Compiled Laws of Utah, 1888, in relation to Private Corporations.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 2288 of the Compiled Laws of Utah of 1888, be, and the same hereby repealed and the following substituted in lieu thereof:

Section 2288-s22. Religious, social, benevolent, scientific and other corporations included in section 1 of this act, when pecuniary profit is not their object, may, in accordance with the rules, regulations or discipline of such association or institution, elect directors, the number thereof to be not less than three nor more than twenty-five, and may incorporate themselves as provided in this act.

Incorporative.

SEC. 2. This act shall take effect from and after its passage.

Approved February 18, 1892.

CHAPTER XII.

RULES AND REGULATIONS UNDER TOWNSITE ACT.

AN ACT extending time for Complying with the Provisions of Chapter 5, vol. I, of the Compiled Laws of Utah, 1888 entitled, "Rules and Regulations under Townsite Act."

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah :

SECTION 1. That chapter 5 of vol. II of the Compiled Laws of the Territory of Utah, entitled, "Rules and Regulations under Townsite Act," is hereby amended, and a new section enacted, as follows, to be numbered 2827a.

Extension for application.

Section 2827a. Whereas, It is made to appear that many persons, rightful claimants and occupants as enumerated in the aforesaid chapter, have failed to present their applications for lots or parcels of land within the time limited in said act; and, whereas, great injustice will result to claimants unless a remedy be provided for such cases; therefore, be it enacted: That any claimant of any lot, block or parcel of land in any town or city, as defined in said chapter to which this is amendatory, who shall have failed or neglected to make application for said lot, block or parcel within the time therein provided, may, at any time within six months after the approval and publication of this act, make and file the application provided for in said chapter, and the same shall be heard and determined in the same manner, and with like effect as if made within the time prescribed in said original act. *Provided*, that in no case shall such application be received or entertained by the probate court if it appears that the title to the lot, block or parcel shall have been heretofore transferred in any manner by such town or city, or adjudged or decreed to any prior claimant by said court. *Provided further*, that nothing in this act shall be so construed as to enlarge or extend the rights of parties in contested cases now pending in any court.

Approved February 18, 1892.

CHAPTER XIII.

LABOR DAY.

AN ACT to make the First Monday of September a Legal Holiday, to be known as Labor Day.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the first Monday of September of each year is hereby set apart as a legal holiday, to be known and celebrated as "Labor Day."

Approved February 23, 1892.

CHAPER XIV.

TOWN SITES.

AN ACT to amend Section 2824s of the Compiled Laws of Utah, 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 2824s of the Compiled Laws of Utah, 1888, be, and the same is, hereby amended by inserting, after the word "use" and before the word "and," in line 12, the following: And the mayor or the probate judge, as the case may require, is empowered to execute and deliver a deed for any property set aside for such purposes to the proper party.

Approved February 23, 1892.

CHAPTER XV.

MINING RECORDERS

AN ACT to amend Section 2796 of the Compiled Laws of Utah Territory 1888, relating to Fees of Mining Recorders.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 2796 of the Compiled Laws of Utah, 1888, be, and the same is amended as follows: By striking out the words "by law for the services to county recorders" in the fourth line of the section and substituting in lieu thereof the words, "by the by-laws of the mining district in which same is recorded, or said copies are made."

Approved February 26, 1892.

CHAPTER XVI

ATTACHING PART OF UINTAH COUNTY TO GRAND COUNTY.

AN ACT attaching Part of Uintah County to Grand County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That all that portion of Uintah county, beginning at a point where the third standard parallel crosses Green river, thence east, following said third standard parallel to where it crosses the boundary line between Uintah and Grand counties, thence in a southerly and westerly direction, following the boundary line between Uintah and Grand counties, to Green river, thence north, following the channel of Green river, to the point of beginning, is attached to and made a part of Grand county.

SEC. 2. This act shall take effect upon its approval.

Approved February 27, 1892.

CHAPTER XVII.

COUNTY COURTS.

AN ACT to Authorize County Courts to Transcribe County and Probate Records.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That when it shall appear to the county court of any county that any books of record, entry books, indexes, abstract books, or other records of the county or probate court of any county are likely to become useless from age or much use, or are illegibly written, defaced or imperfectly kept, said court may cause the same to be transcribed at the cost of the county.

SEC. 2. This act shall take effect from its approval.

Approved February 27, 1892.

CHAPTER XVIII.

MAYOR'S VETO.

AN ACT giving the Mayor of Cities of the First and Second Class a Qualified Veto and for Other Purposes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Every ordinance passed, and every resolution adopted or contract approved by the City Council appropriating or involving the expenditure of money shall, within twenty-four hours after the action of the City Council, be presented to the Mayor for his approval; if he approve the ordinance, resolution or contract, as the case may be, he shall sign the same; if not, he shall return it with his objections in writing to the City Recorder, who shall present the same to the City Council at the next regular meeting thereof. Each ordinance, contract or resolution shall stand as reconsidered in such City Council. The Council shall cause the objections of the Mayor to be entered at large upon the minutes and proceed forthwith to consider the question pending, which shall be in this form: "Shall the ordinance, contract or resolution, as the case may be, pass, notwithstanding the objections of the Mayor thereto?" If two-thirds of all the members of such Council vote in the affirmative, the presiding officer shall certify that fact on the ordinance, contract or resolution, attesting the same by his signature. The ordinance, contract or resolution thus certified, shall be deposited in the office of the City Recorder as an authentic act, and shall be valid and become an ordinance in the same manner, and with like effect, as if it had received the approval of the Mayor. If the Mayor shall fail for five days to return the same to the City Recorder, presented to him for his approval as aforesaid, the same shall become thereafter a valid ordinance, contract or resolution, as the case may be, in like manner as if it had been approved by him. Veto power.

SEC. 2. The City Council shall appoint one of its own members to preside at all its sessions, who shall hold such office until his successor is duly elected and qualified. The official designation of the member so appointed shall be "President of the City Council." The said Council may also, in the temporary absence of the President, or his inability to perform the duties pertaining to the office, appoint a President *pro tem.* who shall be temporarily clothed with the powers and duties of the President. Lawful without executive approval. ☐ President of Council.

SEC. 3. That hereafter the Mayor shall appoint, by

Appointments.

and with the advice and consent of the Council, all officers who are now made appointive by the said Council.

Application.

SEC. 4. The provisions of Sections 1, 2, 3, of this act shall apply only to cities of the first and second class, and no other.

SEC. 5. All laws and parts of laws, inconsistent with the provisions of this act, are hereby repealed.

Approved February 27, 1892.

CHAPTER XIX.

MARSHALS' AND SHERIFFS' FEES.

AN ACT to amend Section 5443 of the Compiled Laws of Utah, 1888, relating to Fees of Marshals and Sheriffs.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 5443 of the Compiled Laws of Utah, 1888, be and the same is hereby amended by striking out all of lines 56, 57, 58 and 59 of said section, which lines are as follows: "For attending, when required, on any district court, in person or by deputy, to be paid out of the Territorial treasury, and when upon any county or probate court, to be paid out of the county treasury, for each day, \$3.00."

SEC. 2. This act shall take effect upon its approval.

Approved March 2, 1892.

CHAPTER XX.

EVIDENCE AFFECTING TITLE TO REAL ESTATE.

AN ACT to Validate and Make Admissible in Evidence certain Deeds, Conveyances, Mortgages, Powers of Attorney, and other instruments Affecting Title to Real Estate heretofore recorded in or upon the records of the County Recorders of the several Counties of this Territory, wherein the same are defectively executed, attested, acknowledged, certified, recorded or certified of record, except as against subsequent purchasers, incumbrancers or assignees.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That all deeds, conveyances, mortgages, powers of attorney and all other instruments in writing

affecting title to real estate, and now copied into the books of record of the office of the county recorders of the several counties of this Territory, shall, after the approval of this act, impart to subsequent purchasers and incumbrancers, and all other persons notice of all such deeds, conveyances, mortgages, powers of attorney and other instruments in writing, so far and to the extent that they are of record as aforesaid, notwithstanding any defect, omission or informality existing in the execution, attestation, acknowledgment, certificate of acknowledgement, recording or certificate of recording, the same; and all such deeds, conveyances, mortgages, powers of attorney, and other instruments, and the records or authenticated copies of the records thereof, shall be admissible in evidence notwithstanding such defects or omissions: *Provided*, that nothing in this act shall be construed to affect any right or title heretofore acquired by subsequent purchasers, grantees or assignees.

SEC. 2. This act shall take effect from and after its approval.

Approved March 2, 1892.

CHAPTER XXI.

JUDGMENTS AND COSTS.

AN ACT to Amend Sections 3256, 3411 and 3696 of the Compiled Laws of Utah 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 3256 of the Compiled Laws of Utah, of 1888, be amended by adding to said Section the following: Nothing but the actual, taxable costs of the action accruing, on and after the default, not including attorneys' fees, shall be imposed by the court under the provisions of this section authorizing the imposition of terms as a condition upon which relief is granted.

SEC. 2. Section 3411 of the Compiled Laws of Utah of 1888, is hereby amended so as to read as follows: The clerk must keep, with the records of the court, a book to be called the judgment book, in which the judgments and findings of fact must be entered.

SEC. 3. Section 3696 of the Compiled Laws of Utah, of 1888, is hereby amended by adding thereto the following: The costs to be awarded to a party as provided in this and th

preceding sections shall include the reasonable cost of printing transcripts and briefs, and the cost of transcribing the stenographer's notes or minutes of the trial or hearing.

Approved March 2, 1892.

CHAPTER XXII.

NOTARY PUBLIC.

AN ACT Requiring Notaries Public to Affix to Acknowledgments the Date of the Expiration of Their Commissions.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Notaries Public in this Territory shall affix to all acknowledgments taken and certified by them according to the laws of this Territory, the date on which their commissions expire.

SEC. 2. Any Notary Public violating the provisions of this act is guilty of a misdemeanor.

SEC. 3. This act shall take effect January 1, 1893.

Approved March 2, 1892.

CHAPTER XXIII.

EQUALIZATION.

AN ACT creating a Territorial Board of Equalization, for Equalizing Assessments for Taxes in the Territory of Utah and Prescribing its Duties and Powers.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. There is hereby created a board for the equalization of assessments for taxes in said Territory and for assessing certain classes of property as herein-after specified, which board shall consist of seven members, appointed by the Governor by and with the advice and consent of the Legislative Council. The first members of the board shall be appointed in 1892, three for two years and four for four years, and thereafter three and four alternately shall be appointed biennially, and the term of office of the members, except as above stated, shall be

four years and until successors are appointed or elected and qualified. In case of a vacancy when the Legislature is not in session the Governor may, by appointment, fill the vacancy, subject to confirmation at the next session of the Legislative Assembly.

SEC. 2. The board shall meet at the office of the Auditor of Public Accounts on the first Monday in April, 1892, and biennially thereafter, and at such meetings elect from their Meetings of Board. number a president and shall elect a secretary, who may or may not be a member of the board. In case of a vacancy in either office the board, at its first meeting thereafter, may fill the vacancy. The board may, at its pleasure, remove a secretary and appoint another, and the president shall be entitled to discuss and vote upon all questions before the board.

SEC. 3. It shall be the duty of the board to prescribe the form of books for the listing of property assessment rolls and blanks for use in the assessment of Territorial and county taxes in the several counties, and to furnish to the county court of each county, on or before the 21st day of Blanks and Books. January in each year, except 1892, and as soon as practicable in 1892, a sufficient number of said printed blanks and books for use in listing thereon, in duplicate, the assessable property of the county. Said printed blanks shall be furnished at the expense of the Territory, and the use of said books, blanks and rolls by the assessors of the several counties is hereby made compulsory.

SEC. 4. All property in the Territory shall be listed on said blanks and assessed as owned and valued on the first Time named as to Ownership and Valuation. Monday of March at 12 o'clock M. of the year in which the assessment is made.

SEC. 5. Real estate not included in the plats of towns or cities or additions thereto shall, as far as practicable, be described and assessed by government and legal subdivisions, Method of Assessment. or described parts of such subdivisions; and in plats of cities, towns and additions thereto, as far as practicable, by plats, blocks, lots and described parts of lots.

SEC. 6. Said board is authorized, and it is hereby made its duty, to assess and value all property in the Territory of Utah, owned by railroad, railway, depot telegraph and telephone companies, and the assessment and valuation thereof shall be final for all purposes of county and Territorial taxation, and shall be apportioned by the board to the several Assessment and Valuation. counties, in proportion to the value of such property in each county. Each railroad, railway, depot, telegraph and telephone company, owning property in Utah Territory, shall furnish to the board on or before the first day of May in each year, on blanks furnished by the board for that purpose not less than twenty days prior to that date, a sworn statement of all the

property, real, personal or otherwise, owned by said company, in the Territory of Utah, including a statement of mileage in each county, as valued on the first Monday of March of the same year, and the board shall notify each of said companies of the valuation placed upon its property for that year. Each company shall have ten days after such notice in which to file objections, if any, to the valuation of its property, with the secretary of the board, and such objection shall be heard and decided by the board, and not later than the first day of July in each year the board shall finally complete the assessment and forward to the clerk of the county court of each county in which any property so assessed is situated, a statement showing the property in such county so assessed, and the assessed value thereof, and the county assessor of the county shall immediately enter said statement upon his assessment roll, or annex the same thereto as a part thereof, and no county assessor shall have the power to change any assessment or valuation so made by said board, and the taxes shall be computed, levied and collected upon said assessments and valuations in the same manner as upon assessments and valuations of other property in said county.

SEC. 7. Said board is authorized to change the assessed value of any kind or class of property in any county in the Territory, and may raise or lower the value thereof, when it shall appear necessary to make said values conform to law. It may raise or lower the entire assessed value of any county, and it may also list or cause to be listed for Territorial taxes any taxable property omitted by any county assessor.

SEC. 8. No county court, or county board of equalization shall have the power to change for the purposes of Territorial taxation, any assessment or valuation fixed by said Territorial Board, or to remit or abate any tax due, or which would become due, to the Territory of Utah on such assessment and valuation.

SEC. 9. Said Territorial Board shall have power, either as a board or by committees, to visit and confer with the county courts and county assessors, but no order, raising or lowering the entire assessment of any county, shall be made unless the county has been visited by the board or a committee thereof consisting of a majority of the board. The board, or any committee thereof, may issue subpoenas for the attendance of witnesses and the production of books and papers. It shall be the duty of any officer authorized to serve subpoenas, to serve the same upon the request of any committee or member of the board, and the board or a committee thereof may authorize any competent person to serve subpoenas, and the president and secretary of the board, and the chairman or acting chairman of any committee, shall have power to administer oaths and affirmations to witnesses. All persons served with a subpoena

Hearing of objections.

Power to change assessment.

Restriction.

Power of board.

shall appear before the board or a committee thereof, at the time and place required, and be sworn and give testimony and produce such documents and papers as may be required, and any person failing to obey a subpoena shall be liable to a fine of not more than one hundred dollars, to be recovered on complaint of the prosecuting attorney of any county, before any court having jurisdiction. The board shall have power to audit the fees of officers and witnesses, and they shall be paid as other expenses in accordance with the provisions of this act. Penalty.

SEC. 10. That said board of equalization is authorized to call upon the county clerk of any county for a copy of any portion of the assessment roll of such county when deemed necessary, and the county clerk so requested shall immediately prepare a copy of the pages of said assessment roll designated by said board, to which he shall attach his certificate of the correctness of said copy and transmit the same to said board. Said board shall also have power, by its president, secretary or chairman of any committee, to summon to its aid the assessor and any deputy or assistant assessor of any county, and examine him or them under oath, and also to examine said copies of the assessment roll, in order to ascertain the actual assessed values of taxable property, both real and personal, comparing one county with another. Duty of county clerk.

SEC. 11. That the county court of any county in which it is proposed to increase the assessed valuation as a whole, or of any class of property, shall have ten days' notice to appear by representative and resist such increase. May summon assessors.

SEC. 12. That said board shall file a full and complete report of all the changes made by it with the Territorial Auditor of Public Accounts, on or before the first day of September, of each year, and immediately after any change is ordered, the secretary of the board shall notify the county court of the county affected by said change, of the same. May resist increase.

SEC. 13. On receipt of said notice of the action of the Board of Equalization, each county court shall cause said notice to be entered upon its records, and the county clerk shall thereupon enter such changes upon the assessment roll by adding to or taking from the assessed valuation of property in the county such amount or per cent. as such notice shall designate, and give notice thereof by publication in some newspaper having general circulation in the county, or by causing a notice of such change to be posted in at least three public places in each precinct of said county. Notification of change.

SEC. 14. The said Board of Equalization shall furnish to the Legislative Assembly of the Territory within the first two weeks of its session a report of its official proceedings under this act, with such recommendations as it may deem proper. Report of proceedings.

SEC. 15. Each member of said board shall receive for his services while actually engaged in the work of equalization five dollars per day and mileage at ten cents per mile one way only. The secretary of said board shall receive five dollars per day and mileage as allowed members of the board, and each person summoned as aid or witnesses two dollars per day and the same mileage as allowed members of the board.

SEC. 16. The Territorial Auditor of Public Accounts shall audit the final accounts of said Board of Equalization for per diem and mileage, at the end of each year and shall draw his warrants for the use of said board, and the sum of \$6,000.00 or so much thereof as may be necessary is hereby appropriated for the payment of such per diem and mileage for the years 1892 and 1893, and not more than \$3,000.00 shall be drawn in any one year.

SEC. 17. No act of the board shall be invalid for any irregularity not affecting the merits or justice of the act, or for a failure to do or complete any act within the time required, if it can be and is done later without injuriously affecting substantial rights.

SEC. 18. This act shall take effect from and after the date of its approval.

Approved March 2, 1892.

CHAPTER XXIV.

JUSTICE OF THE PEACE.

AN ACT to amend Sections 1761, 1790 and 1791 Compiled Laws of 1888, relating to the election of Justice of the Peace in Cities.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section seventeen hundred and sixty-one (1761) of the Compiled Laws, 1888, be and the same is hereby amended by striking out from and after the word "and" in the eighth line, and before the word "a" in the ninth line, the words "in cities of the first and second class;" and by striking out from and after the word "Peace" in the ninth line, and before the word "Provided" in the eleventh line the words "from each municipal ward; and in cities of the third class, two justices of the peace to be elected at large."

SEC. 2. That Section seventeen hundred and ninety (1790) of the Compiled Laws, of 1888, be and the same is hereby amended by striking from the words "justices" in the second line the final "s," and from the word "justices" in

the sixth line the final "s," and from the word "courts" in the tenth line the final "s," and by adding to said section at the end thereof the following: "If a vacancy shall occur in the office of City Justice of the Peace, the Mayor shall forth-^{Filling of vacancies}with call a special meeting of the City Council, and it shall immediately proceed to fill such vacancy by appointment for the unexpired term. And the person so appointed shall qualify in the same manner as a City Justice of the Peace, and shall have and exercise all the powers herein conferred upon such Justice of the Peace. In case any City Justice of the Peace shall be unable to perform the duties of his office, the Mayor shall appoint some other Justice of the Peace re-^{Appointive.}siding within the county to act as City Justice of the Peace *pro tem.*, and he shall have the power to discharge all the duties of such City Justice of the Peace during the existence of such disability only, in the same manner and to the same extent as though the appointee had originally been elected to such office. The City Justice of the Peace shall receive such^{Salary.} salary as the City Council may determine; he shall not receive any fees or other compensation than such salary for his services.

SEC. 3. That Section seventeen hundred and ninety-one (1791) of the Compiled Laws, 1888, be and the same is hereby^{Repealed.} repealed.

SEC. 4. In all cases where cities of any class have heretofore elected more than one Justice of the Peace, the City Council of such city may, by resolution, designate one of such justices to act for such city at large, and such City^{For city at large.} Council may designate the place where such justice shall transact the business pertaining to his office; and any city of the first or second class may, by ordinance or resolution, fix a salary for such justice so designated, which such salary shall be in lieu of all fees and other charges.

SEC. 5. This act shall take effect and be in force upon its approval.

Approved March 4, 1892.

CHAPTER XXV.

TENANCY IN COMMON.

AN ACT in relation to Tenancy in Common.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Every interest in real estate granted or devised in two or more persons, other than executors and trus-

tees, as such, shall be a tenancy in common, unless expressly declared in the grant or devise to be a joint tenancy.

SEC. 2. This act shall take effect from and after its approval.

Approved March 5, 1892.

CHAPTER XXVI.

ARBOR DAY.

AN ACT to Establish Arbor Day.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the Governor is requested and is hereby authorized to set apart as a legal holiday in each year the first Saturday in April as "Arbor Day," and to issue his proclamation recommending that it be observed by the people of the Territory in the planting of trees, shrubs and vines, in the promotion of forest growth and culture, and in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of the day so established.

SEC. 2. This act shall take effect from and after its approval.

Approved March 5, 1892.

CHAPTER XXVII.

CITIES OF THE THIRD CLASS.

AN ACT to amend Section 1729 s19 of the Compiled Laws of Utah, 1888, fixing the number of Councilmen in Cities of the Third Class.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 1729 s19 be, and the same is, hereby amended by striking out the word "seven," in line 3, and inserting in lieu thereof the word "five."

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect from and after its approval.

Approved March 9, 1892.

CHAPTER XXVIII.

FOREST FIRES.

AN ACT Making it Unlawful to Expose Forests, Shrubs or Undergrowth on the Public Domain to Danger from Fire and Prescribing the Duties of the Sheriffs in Respect to Extinguishing the same.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That any person negligently or wilfully exposing growing trees, shrubs or undergrowth standing on the public domain to danger of destruction by fire, shall be guilty of a misdemeanor.

SEC. 2. That it shall be the duty of the sheriffs of the respective counties to extinguish fires occurring in the undergrowth, growing trees, shrubs or forests on the public domain within such counties, and they shall be allowed a reasonable compensation therefor by the county court, to be paid out of the county treasury.

Approved March 5, 1892.

CHAPTER XXIX.

ELECTIONS.

AN ACT in Relation to Elections and Tenure of Office.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That on the Tuesday next after the first Monday in November, 1892, and biennially thereafter, a general election shall be held throughout the Territory for the election of Territorial, county and precinct officers, who by law are or may be made elective, and all such officers so elected shall qualify and enter upon the duties of their respective offices on the first day of January next succeeding their election, and continue in office for two years, and until their successors are duly elected and qualified; *Provided* That county collectors shall not enter upon the duties of their office until the first day of June of the year next succeeding their election. .

SEC. 2. That the official term of the present incumbents of any of the offices mentioned in the foregoing section except county collectors whose term shall extend to June 1st

1893, shall extend to the first day of January, 1893, and until their successors are duly elected and qualified, but not longer.

SEC. 3. That on the Tuesday next after the first Monday in November, 1892, there shall be held an election in each city, town, village and school district, in the Territory, except such cities which shall have held an election in 1892, prior to May 31st 1892, to fill all offices of the same or pertaining thereto, which by law are, or may be made elective, and the officers so elected shall qualify and enter upon the duties of their respective offices on the first day of January, 1893, and continue in office till the first day of January, 1894, and until their successors are duly elected and qualified. That the incumbents of the offices mentioned in this section may continue therein and exercise the functions thereof till the first day of January, 1893, and until their successors are duly elected and qualified, but not longer.

Prescribing date of election and official term.

SEC. 4. That on the Tuesday next after the first Monday in November, 1893, and biennially thereafter, there shall be held an election in each city, town, village and school district in the Territory, to fill all offices of the same or pertaining thereto, which by law are, or may be made elective, also for members of the Legislative Assembly, and the officers then elected shall qualify and enter upon the duties of their respective offices on the first day of January next succeeding their election, and continue in office for two years, and until their successors are duly elected and qualified.

Municipal officers and Legislative Assembly.

SEC. 5. That all acts and parts of acts, in so far as they provide for holding elections to fill any of the offices mentioned in this act (other than for special elections to fill vacancies) or in any manner for fixing the tenure of such offices otherwise than in this act provided, are hereby repealed.

Repeal of conflicting acts.

SEC. 6. Nothing in this act shall apply to cities of the metropolitan class.

SEC. 7. This act shall take effect from and after May 31st 1892.

Approved March 10, 1892.

CHAPTER XXX.

WAGES.

AN ACT to Protect Employees and Laborers in Their Claims for Wages.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That hereafter, when the property of any

company, corporation, firm or person shall be seized upon by any process of any court of this Territory, or when their business shall be suspended by the action of creditors, or be put into the hands of a receiver or trustee, then in all such cases the debts owing to laborers or servants for work or labor performed within six months next preceding the seizure or transfer of such property, shall be considered and treated as preferred debts, and such laborers or employees shall be preferred creditors, and shall be first paid in full; and if there be not sufficient to pay them in full, then the same shall be paid to them pro rata, after paying costs. Any such laborer or servant desiring to enforce his or her claim for wages under this act, shall present a statement, under oath, showing the amount due after allowing all just credits and set-offs, the kind of work for which such wages are due, and when performed, to the officer, person or court charged with such property, within ten days after the seizure thereof on any writ of attachment, or within thirty days after the same may have been placed in the hands of any receiver or trustee; and thereupon it shall be the duty of the person or court receiving such statement to pay the amount of such claim or claims to the person or persons entitled thereto (after first paying all costs occasioned by the seizure of such property) out of the proceeds of the sale of the property seized; *Provided*, That any person interested may contest any such claim or claims, or any part thereof, by filing exceptions thereto, supported by affidavit, with the officer having the custody of such property, and thereupon the claimant shall be required to reduce his claim to judgment before some court having jurisdiction thereof, before any part thereof shall be paid.

Shall be preferred
creditors.

May contest claim.

Approved March 10, 1892.

CHAPTER XXXI.

TAX SALES.

AN ACT to Amend An Act Entitled "An Act Amending Sections 2008, 2012, 2013, 2023, 2027, 2030, 2043 of the Compiled Laws of Utah of 1888, Relating to Revenue; and Enacting New Sections to be Numbered 2026a, 2026b, 2026c, 2026d, 2030a, and 2030b.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section II of the act of which this act is amendatory, be amended so as to read as follows:

Section II. That a new Section numbered 2030a, is hereby enacted as follows:

Duty of collectors. 2030a. The Collector shall on or before the first day of December of each year publish a list of delinquent taxes classified in towns and cities by addition, sub-division, plat, block and lot, and other lands by range, township and section, or legal sub-division thereof, with name of owner where known. Said list must be published for the period of ten days in a newspaper having a general circulation in the county. On the third Monday of December of each year the Collector shall expose for sale sufficient of such delinquent's real estate, *Provided*, That the personal taxable property of such delinquent has been first exhausted by a levy and sale, and for that purpose the tax on the real estate is made a lien on the personal property to pay the taxes and costs at public auction at the front of the County Court House, and sell the same to the highest responsible bidder for cash, and the Collector shall continue to sell from day to day until the property of such delinquents is exhausted or the taxes and costs paid. The Collector shall receive costs as follows:

Time of tax sale.

Lien on personal property.

Collector's costs. For each certificate of sale, per folio, twenty-five (25) cents. For publishing the name and amount of taxes due from each delinquent, fifty cents. For filing certificate for tax sale with the County Recorder fifty (50) cents.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 10, 1892.

CHAPTER XXXII.

GAME AND BIRDS.

AN ACT Amending Section 5, Chapter 59 Session Laws of 1890, Entitled "An Act for Protection of Game and Birds."

SECTION 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

That Section 5 of Chapter 59 Session Laws of Utah Territory, approved March 13, 1890, entitled "An Act for the Protection of Game and Birds" is hereby amended by striking out the word "first" in line third of said section, and inserting in lieu thereof the word "twentieth."

Approved March 10, 1892.

CHAPTER XXXIII.

COUNTY BONDS.

AN ACT authorizing Counties to Issue Bonds for the Purpose of Funding Outstanding Indebtedness, and for Other Purposes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That whenever it shall be necessary to construct, add to, complete or repair the court house, jail, or other county buildings, or purchase the ground therefor, or make other county improvements, or whenever it may be desirable to fund or average any existing debt incurred for county purposes, and the revenues afforded by reasonable taxation are considered insufficient to do the same, the county court may issue negotiable coupon bonds in any sum of money not exceeding one per centum of the taxable property within such county, to be ascertained by the last assessment for Territorial and county taxes. Said bonds shall be of the denomination of not less than five hundred nor more than one thousand dollars each, and bearing an annual rate of interest not exceeding six per centum payable semi-annually, and such bonds shall be payable not more than 20 years from date, and the principal and interest of such bonds shall be payable at such place, as the county court shall direct, and the right to redeem them at any time after ten years may be reserved. The county court of such county may submit to the resident taxpayers of such county the question of bonding the county, and for that purpose the county court of the county desiring to bond is hereby authorized to call a special election for that purpose, or the same may be submitted at any general election, but the manner of conducting a special election shall be as provided by law for the election of county officers, and if upon the returns it shall appear that the majority of the votes cast shall be in favor of bonding, the county court shall proceed to issue bonds as provided in this act. Such bonds shall be advertised for sale and disposition at least once a week for four successive weeks in a newspaper having a general circulation in the county where such bonds are voted, and, also in any other paper that the county court may direct. No second or subsequent loan, and issue of bonds made to secure the same, shall be made or authorized by said county court, as above provided, so long as the first loan and bonds, principal and interest, made under the provisions of this act, shall remain unpaid.

Denomination of
bonds and interest.

When redeemable.

Special election.

Advertisement.

Prohibitory.

SEC. 2. Whenever any bonds are issued under the provisions of this act, they shall be signed by the Probate Judge

Lithographing and
printing.

and attested by the county clerk, under the seal of the court issuing the same; they shall be lithographed or printed on bond paper and shall state, upon their face, the date of their issuance, the amount of the bond, for what purpose issued, also the time and place of payment and the rate of interest to be paid, and shall have attached thereto coupons, one for each of the semi-annual payments of interests.

Certification.

And there shall be attached to each of said bonds the certificate of the clerk of the proper county, in form as follows: I.....county clerk of the county of....., in the Territory of Utah, do hereby certify that the annexed bond was issued and delivered to the Treasurer of said county this.....day of....., A. D. 18..... In testimony whereof I have hereunto set my hand and affixed the seal of the county court of said county, this....day of....., 18....

Delivery of bonds.

SEC. 3 The county clerk shall deliver such bonds to the treasurer of such county, and charge him therewith upon the proper books in his office, and the same shall be deemed as part of the funds of the county, in the hands of the treasurer thereof, who shall be liable therefor upon his official bond, as in case of other funds and securities belonging to the county, and such bonds may be sold by the Treasurer, and may be sold at any place within the United States, but at no greater discount than five per cent. Such sale shall be made by and with the consent of the county court.

Discount.

The bonds issued, as in this act provided, may be sold from time to time in installments as money may be needed, under the direction of the county court, until the whole of such bonds shall have been disposed of, and after said bonds are disposed of the county issuing them shall be estopped from contesting the validity of the same and the same shall be upheld by all courts.

Disposal of bonds.

SEC. 4. Whenever the bonds are sold or negotiated as herein provided, the county court shall annually make a tax levy of not less than one-tenth of 1 per cent. on the taxable property of such county, and cause the same to be placed upon the tax duplicate or assessment roll, properly designated in a separate column, for the current and succeeding year; and such tax when collected shall be invested in the bonds aforesaid, or other Territorial or county securities, and, thereupon, shall constitute a sinking fund for the extinguishment and ultimate liquidation of the debt created by the issue of such bonds.

Tax levy.

Sinking fund.

Payment of interest.

SEC. 5. The county court shall provide, by taxation for the annual payment of the interest accruing on all bonds sold, and, for that purpose shall make a distinct and specific levy, and cause the same to be placed in a separate column upon the

tax duplicate or assessment roll; and such levy, when collected shall be applied to the payment of the interest as aforesaid, and the balance, if any, to the payment of the principal of such debt, and for no other purpose whatever.

SEC. 6. If such bonds, or any portion of them, shall not be sold as aforesaid, the county treasurer shall return them to the county clerk, who shall give him the proper credit therefor upon his books, and, at the next session of the county court thereafter, the county clerk shall lay such bonds before it, and such county court shall cancel or otherwise destroy the same Cancellation. in the presence of such county clerk and treasurer, and shall cause an entry of the fact to be made in the minute book.

SEC. 7. All acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its approval.

Approved March 10, 1892.

CHAPTER XXXIV.

PRIVATE CORPORATIONS.

AN ACT to Amend Sections 2267 and 2272 of the Compiled Laws of Utah of 1888 Relating to Private Corporations.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Sections 2267 and 2272 of the Compiled Laws of Utah of 1888, be, and the same are, hereby amended as follows:

Section 2267 is amended by inserting between the words "loan" and "trust" in the sixth line of said section the word "investment."

Section 2272 is amended by striking out from the seventh, eighth and ninth lines of said Section 2272 the words, "but it shall not have power to enter into, as a business, the buying and selling of real estate."

SEC. 2. This act shall take effect upon its approval.

Approved March 10, 1892.

CHAPTER XXXV.

PHARMACY.

AN ACT regulating the Practice of Pharmacy.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That it shall not be lawful for any person other than a registered pharmacist, to compound or dispense drugs, medicines or poisons, or to open or conduct any pharmacy for compounding or dispensing drugs, medicines or poisons, unless such persons shall be or shall employ and place in charge of said pharmacy or store, a registered pharmacist, within the meaning of this act, except as hereinafter provided.

SEC. 2. Any person shall be entitled to be registered as a registered pharmacist within the meaning of this act, who shall be a licentiate in pharmacy, or shall furnish evidence to the Territorial Board of Pharmacy, hereinafter mentioned, that he has had four years' practical experience in compounding drugs in a drug store or pharmacy, where the prescriptions of medical practitioners are compounded. The said board shall have the right to refuse registration to applicants whose examination or credentials are not satisfactory evidence of their competency. This provision shall also apply to the registration of assistant pharmacists hereinafter mentioned.

SEC. 3. Graduates in pharmacy who have obtained diplomas from such colleges or schools of pharmacy as shall be approved of by the Board of Pharmacy, and who previous to obtaining said diplomas have had three years' practical experience in a drug store where physicians' prescriptions are compounded and dispensed, may, on payment of a fee hereinafter provided, be made registered pharmacists.

SEC. 4. Licentiates in pharmacy shall be such persons as have had four years' practical experience in drug stores wherein prescriptions of medical practitioners are compounded, and are not less than eighteen years of age, and have sustained a satisfactory examination before the Territorial Board of Pharmacy; and shall be granted a certificate accordingly, upon the payment of a fee hereinafter named.

SEC. 5. It shall be the duty of said Board of Pharmacy to grant an assistant's certificate to such persons as have had two years' practical experience in drug stores where prescriptions of medical practitioners are compounded, and have passed a satisfactory examination before said Board of Pharmacy; the holder of said certificate shall have the

Registered pharmacist.

Who entitled to register.

Graduates may be made registered pharmacists.

Definition of licentiate in pharmacy.

Assistant's certificate giving right to act during temporary absence of.

right to act as clerk or salesman during the temporary absence of the owner or manager thereof.

SEC. 6. Immediately upon the passage of this act, the Governor of the Territory of Utah shall, by and with the consent of the Legislative Council, appoint five (5) Board of pharmacists. persons from among such competent pharmacists that have had five years' practical experience in the capacity of dispensing pharmacists, selecting not more than two members from any one city, and the said five pharmacists shall constitute the Board of Pharmacy. The persons so appointed shall hold their offices for five years, provided that the term of office of the five first appointed shall be so arranged that the term of one shall expire on a given day of each year, and the vacancies so created, as well as all vacancies otherwise occurring, shall be refilled by the Governor.

SEC. 7. The said board shall within thirty days of its appointment, meet and organize by electing a president and secretary from among their members. It shall be the duty of the board to examine all applications for registration submitted in proper form. To grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to cause the prosecution of all persons violating its provisions; to report annually to the Governor the condition of pharmacy in this Territory, which said report shall also furnish a record of the proceedings of the said board for the year and account for all moneys received and disbursed pursuant to this act, and also the names of all pharmacists duly registered under this act. The board shall hold meetings for examination of applicants for registration, and the transaction of such other business as shall pertain to its duties, at least once in three months, and it shall give at least thirty days public notice of the time of such meetings; shall have power to make by-laws for the proper fulfillment of its duties under this act, and shall keep a book Organization and meetings. of registration in which shall be entered the names and places of business of all persons registered under this act, which book shall also specify such facts as said person shall claim to justify their registration. Three members of said board shall constitute a quorum. Shall examine applications and grant certificates.

SEC. 8. Every person applying for registration as registered licentiate or assistant pharmacist, shall, before a certificate be granted, pay to the secretary of the board the sum of three dollars, and by every applicant for registration by examination shall be paid the sum of five dollars, *Provided*, That in case of the failure of any applicant to pass a satisfactory examination, his or her money shall be refunded. Book of registration

SEC. 9. Every registered pharmacist who desires to continue the practice of his profession, shall biennially there- Fees of applicants

after during the time he shall continue in such practice, on such date as the Board of Pharmacy may determine, of which date he shall have thirty days notice by said board, pay to the secretary of the board a registration fee, to be fixed by the board, but which shall in no case exceed two dollars, for which he shall receive a renewal of said registration. The failure of any registered pharmacist to pay said fee shall not deprive him of his right to renewal upon payment thereof; nor shall his retirement from the profession deprive him of his right to renew his registration, should he at any time thereafter wish to resume the practice, upon the payment of said fee. Registered assistants upon receiving notice as aforesaid, shall, if they desire to renew their registration, pay to the secretary of said board a biennial fee of one dollar. Every certificate of registration granted under this act shall be conspicuously exposed in the pharmacy to which it applies.

On failure to pay
may renew applica-
tion.

SEC. 10. The secretary of the Board of Pharmacy shall receive a salary, which shall be determined by said board. He shall also receive his traveling and other expenses incurred in the performance of his official duty. The other members of said board shall receive the sum of five dollars for each day actually engaged in such service and all legitimate and necessary expenses incurred in attending the meeting of said board; *Provided*, That no part of the salaries or expenses of the said board shall be paid out of the Territorial treasury. All moneys received in excess of these expenditures shall be held by the secretary of said board as a special fund for meeting future expenses of the board, said secretary giving such bonds as the board shall from time to time direct.

Fine for acting with-
out registration.

SEC. 11. Any person who is not a registered pharmacist nor licentiate in pharmacy, duly authorized under this act to do business on his own account, who shall after the expiration of three months from the passage of this act, keep a pharmacy, store or shop for the dispensing and compounding of physicians' prescriptions, and shall not have in his employ in said pharmacy, store or shop, a registered pharmacist, nor licentiate in pharmacy, authorized by the Territorial board to manage a pharmacy, shall for each and every offense be liable to a fine of two hundred and fifty dollars.

Using title when not
registered, penalty.

SEC. 12. Any person not registered under this act who shall take, use or exhibit the title of registered pharmacist, or licentiate in pharmacy, shall be liable to a fine of one hundred dollars for each and every such offense; a like penalty shall attach to a licentiate in pharmacy who shall without authority, take, use or exhibit the title of "registered pharmacist" in the Territory of Utah.

SEC. 13. Any proprietor of a pharmacy, or the person who shall permit the compounding or dispensing of physi-

cians prescriptions except by a registered pharmacist or licentiate in pharmacy, or under the immediate supervision of one, or who, while continuing in the pursuit of pharmacy in the Territory of Utah, shall fail or neglect to procure his biennial registration, and any person who shall willfully make any false representation to procure for himself or for another, registration, or shall violate any other provision of this act, shall for each and every such offense be liable to a penalty of one hundred dollars; *Provided*, That nothing in this act shall in any manner interfere with the business of any physician in regular practice, or prevent him from supplying to his patients such articles as may to him seem proper; nor with the business of any dealers except as hereinafter provided; *Provided*, also, that nothing in this act shall in any manner interfere with the business of merchants to sell or vend all such medicines and pharmaceutical preparations as are required by the general public, and bearing the name of the manufacturer.

False registration.

Penalty for.

SEC. 14. The proprietors of all pharmacies shall be held responsible for the quality of all drugs and chemicals sold or dispensed at their respective places of business, except patent and proprietary preparations, and, articles sold in the original packages of the manufacturer. Any person who shall wilfully adulterate or alter, or cause, or permit to be adulterated or altered, any drug, medicine or pharmaceutical preparation, or shall sell or offer for sale any such adulterated or altered article, and any person who shall substitute one material for another, with the intention to defraud or deceive the purchaser, shall be guilty of a misdemeanor, and liable for prosecution therefor. If convicted, he shall pay a fine in any sum less than three hundred dollars for each and every such offense, beside all the cost incurred in investigation and trial. All suits for the recovery of the several penalties prescribed by this act, shall be prosecuted in the name of the people of the Territory of Utah in any court of competent jurisdiction; and it shall be the duty of the district attorney where such offense is committed, to prosecute all persons violating any of the provisions of this act, upon proper complaint being made. All penalties collected for such violation shall be paid to the said Board of Pharmacy, to be held by said board as heretofore directed.

Responsible for quality of drugs, etc.

Wilful adulteration of or substitution of one material for another a misdemeanor.

Penalty and where paid.

SEC. 15. No person shall sell any poisons commonly recognized as such, and especially aconite, arsenic, belladonna biniodide of mercury, carbolic acid, chloral hydrate, chloroform, conium, corrosive sublimate, creosote, croton oil, cyanide of potassium, digitalis, hydrocyanic acid, laudanum, morphine, nox vomica, oil of bitter almond, opium, oxalic acid, strychnine, sugar of lead, sulphate of zinc, white

Poisons must be labeled.

precipitate, red precipitate, without affixing to the box, vessel or package containing the same, and to the wrapper or cover thereof, a red label bearing the name of the article, and the word "poison" distinctly shown, with the name and place of business of the seller, who shall not deliver any of said poisons without satisfying himself that said poisons are to be used for legitimate purpose; *Provided*, That nothing herein contained shall apply to the dispensing of physicians' prescriptions of any of the poisons or articles aforesaid. Any person failing to comply with the requirements of this section shall be liable to a fine in any sum less than three hundred dollars for each and every such offense.

Failure and penalty.

SEC. 16. All acts or portions of acts regulating the practice of pharmacy and the sale of poisons within this Territory, enacted prior to the passage of this act, are hereby repealed.

Approved March 10, 1892.

CHAPTER XXXVI.

IRRIGATION COMPANIES.

AN ACT to amend Chapter 3, Volume 2, Compiled Laws of Utah, 1888, entitled "An Act Compiling the Laws Regulating the Incorporation of Irrigation Companies," approved March 13, 1884.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 2411 of the Compiled Laws of Utah, 1888, be and the same is hereby amended so as to read as follows: All subsequent elections for determining the rate of taxes shall be held annually on the first Monday in December, and for the election of company officers biennially on the same day, at such time and place within the district as shall be designated by the trustees, at which time the number of trustees may be changed by a two-thirds vote to not less than three nor more than thirteen. Notice of said election shall be given and the election conducted and certificates thereof returned as provided in preceding section 2406; and the officers elected shall give bonds as provided in preceding section 2409. The votes at said election shall be by acreage and not per capita. The right to use the water for one acre of land shall entitle the owner to one vote. The tax voted by a majority vote at said election

Elections.

Notice of.

Bonds requirement.

shall be a lien on all water rights until paid, from the day of ^{Tax voted for a lien,} assessing the same, but not upon any land.

SEC. 2. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER XXXVII.

AGRICULTURAL COLLEGE.

AN ACT Amending Sections 3, 4, 6, 11 and 16 of an Act to Establish an Agricultural College and Experiment Station in connection therewith, being Sections 1854, 1855, 1857, 1862 and 1867, Compiled Laws 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 3 be amended by striking out all of the section after the word "Governor" in the first line, and adding the following words: "Shall appoint, subject to confirmation by the Council, seven trustees of the college.

SEC. 2. That section 4 be amended by striking out the words "a superintendent" where they occur in line two, and adding in line twelve, after the word "Territory," "by Congress or by others;" also in the sixteenth line strike out the words "Governor and."

SEC. 3. That section 6 be amended by striking out all after the word "Legislature" in the second line, and adding in lieu thereof the following words: "Succeeding the one by which it was appointed, of its important official acts, including a sufficiently itemized statement of its expenditures to convey an intelligible knowledge of its disbursements; of those matters in the growth of the college of special interest to the Legislative Assembly and to the people of Utah, accompanied by an itemized estimate of the requirements of the college for the coming biennial period with other matters that the board may deem of interest to the Legislative Assembly."

SEC. 4. That section 11 be amended by adding in line three, after the word "appoint," "a president of the faculty and."

SEC. 5. That section 16 be amended by striking out after the word "professor" in the second line, the words "tutors and superintendent," and by adding the following words: "and such assistants as may be designated by the trustees. The trustees shall determine the title of such assistants."

Approved March 10, 1892.

CHAPTER XXXVIII.

COAL MINES.

AN ACT providing for Escapement Shafts in Coal Mines Operated Within the Territory of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. In all coal mines which are now, or which hereafter may be operated in the Territory of Utah, and which are now, or which may be hereafter, operated through a shaft, slope or tunnel, and in which more than ten men are or may be employed in each twenty-four hours, there shall be made an escapement shaft, slope or tunnel, for the purpose of securing the speedy and safe egress of the workmen in case of danger, or ingress when desired. An opening into a continuous mine having such means of egress, shall be deemed such escapement shaft, slope or tunnel for the purpose of this act. Whenever two or more veins of coal are or shall be worked in any mine, the escapement herein provided for shall be made between so many of them as are worked, and in the manner and time designated by the Inspector of Mines. Whenever the escapement is or shall be through a continuous mine, then the owners or lessees of such mines shall make and keep open an escapement way of at least four feet high by six feet wide each within his own mine. Any failure to comply with the provisions of this act shall subject the offenders to the penalty herein provided. After six months from the passage of this act, it shall be unlawful for the owner, agent or operator of any mine now in operation, to employ more than ten persons in any mine operated by shaft, slope or tunnel until there is an escapement way, unless the time shall be extended, when absolutely necessary, by the Mine Inspector appointed by law. But in no case shall the time be extended to exceed one year from the passage of this act.

SEC. 2. In every mine operated after the passage of this act and after 12,000 square yards have been mined out, it shall be unlawful for the owner, agent or operator to employ more than ten persons at work in said mine on each shift unless there are two distinct outlets.

SEC. 3. The term owner used in this act shall mean the immediate proprietor, lessee or occupant of any mine or part thereof, and the term agent shall mean any person having on behalf of the owner the care or management of any mine or any part thereof.

SEC. 4. Any person or persons who shall violate any of the provisions of this act shall, upon conviction, be

Escapement shaft,
slope or tunnel shall
be provided.

of escapement.

punished by a fine of not more than one thousand dollars, or by imprisonment in the penitentiary for not more than one year, or by both such fine and imprisonment, for each and every offense.

Approved March 10, 1892.

CHAPTER XXXIX.

NATURAL GAS.

AN ACT to Prevent the Wasting of Natural Gas and to Provide for the Plugging of all Abandoned Wells.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That from and after the passage of this act, any person or corporation, and each and every one of them, in possession, whether as owner, lessee, agent or manager, of any well in which natural gas has been found, shall, unless said gas is sooner utilized, within a reasonable time, not, however, exceeding three months, from the completion of said well, in order to prevent the said gas wasting by escape, shut in and confine ^{To prevent escape of.} the same to said well until such time as it shall be utilized; *Provided*, however, that this section shall not apply to any well while it is being operated as an oil well.

SEC. 2. That whenever any well shall have been put down for the purpose of drilling or exploring for gas, upon abandoning or ceasing to operate the same, the person or corporation in possession as aforesaid shall, for the purpose of excluding all surface water or water from the strata above from the gas-bearing rock, and before drawing the casing, fill up the well with sand or rock sediment to a depth of at least twenty (20) ^{To plug abandoned wells.} feet above the gas-bearing rock, and drive a round, seasoned wooden plug, at least three (3) feet in length, equal in diameter to the diameter of the well below the casing, to a point at least five (5) feet below the bottom of the casing; and immediately after drawing the casing, shall drive a round, seasoned wooden plug, at a point just below where the lower end of the casing rested, which plug shall be at least three (3) feet in length, tapering in form, and of the same diameter at the distance of eighteen (18) inches from the smaller end as the diameter of the hole below the point at which it is to be driven. After the plug has been properly driven there shall be filled on the top of the same sand or rock sediment to the depth of at least five (5) feet. *Provided*, that in case such geological formation

shall be encountered in the bore as to make some other method more effective for preventing the flooding by water from superposed strata. Then, and in that case, the inspector may direct what other plan shall be pursued without unreasonable cost to the owner or lessee of the well.

Violation and penalty therefor.

SEC. 3. Any person or corporation who shall violate any of the provisions of the first or second sections of this act, shall be liable to a penalty of two hundred dollars, for each and every violation thereof, and to the further penalty of two hundred dollars for each thirty days during which such violation shall continue; and all such penalties shall be recovered, with cost of suit in a civil action or actions, in the name of the Territory, for the use of the county in which the well shall be opened.

And uses of.

Abandonment.

SEC. 4. Whenever any person or corporation shall abandon any gas well, and shall fail to comply with the second section of this act, any person or corporation lawfully in possession of lands adjacent to or in the neighborhood of said well may enter upon the land upon which said well is situated and take possession of said well, and plug the same in the manner provided by the second section of this act, and may maintain a civil action in any court of this Territory, against the owner or person abandoning said well, and every of them, jointly and severally, to recover the costs thereof. This shall be in addition to the penalties provided by the third section of this act.

Civil action.

Obtaining right of way.

SEC. 5. Any person corporation or association desirous of obtaining the right of way for a pipe line or lines, or for the location of any gas tank, or reservoir, shall be entitled to exercise the right of eminent domain as provided for in title VII of volume II Compiled Laws of Utah, 1888, by complying with the provisions thereof.

SEC. 6. For the purpose of carrying out the provisions of this act as to the proper filling up of wells, the county court shall from time to time appoint some person as inspector, who shall receive a reasonable compensation, to be fixed by the county court, and paid out of the county treasury, for each well supervised.

Inspector.

SEC. 7. This act shall take effect from its approval.
Approved March 10, 1892.

CHAPTER XL.

FISH AND GAME.

AN ACT Amending Chapter XXIX of the Session Laws of 1890, Relating to the Protection of Fish and Game.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 3, of Chapter XXIX of the Laws of 1890, is hereby amended by striking out the word "public" in line two thereof, and inserting between the words "waters" and "for," the words "of any natural stream."

SEC. 2. That Section 5 is hereby amended by striking out the word "public" in the third line thereof, and inserting between the words "waters" and "within," the words "of any natural stream."

SEC. 3. That Section 7 is hereby amended by striking out the word "public" in the second line thereof, and inserting between the words "waters" and "in," the words "of any natural stream;" and inserting after the word "fish" in the second line, the words "except carp."

SEC. 4. That Section 8 is hereby further amended by striking out the word "public" in the second line thereof, and inserting between the words "of" and "this," the words "any natural stream of," and by striking out all of said section after the word "following" at the beginning of the sixth line.

SEC. 5. That Section 10 is hereby amended by striking out the word "public" in the second line thereof, and inserting between the words "waters" and "of," the words "of any natural stream;" by striking out the word "October" in the thirteenth line thereof, and inserting in lieu thereof the word "September," and by striking out the word "March" in the same line, and inserting in lieu thereof the word "July."

SEC. 6. That Section 11 is hereby amended by striking out the word "public" in the third line thereof, and inserting between the words "waters" and "of," the words "of any natural stream."

SEC. 7. That Section 12 is hereby repealed, and the following enacted in lieu thereof: "Section 12. It shall be unlawful for any person to export dead or living trout or any imported fish, except carp, caught in any of the waters of any natural stream of this Territory, to any point outside of this Territory, for either consumption or sale."

SEC. 8. That Section 13 of said Chapter be amended

by striking out the words "one thousand" in first line, and inserting "five hundred," and the words "1890 and 1891" in the last line thereof, and by inserting in lieu thereof the words "1892 and 1893."

Approved March 10, 1892.

CHAPTER XLI.

COAL MINES.

AN ACT to Provide for the Safety of Workmen Employed in Coal Mines.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Owner or agent
shall provide tim-
bers.

SECTION 1. The owner, agent or operator of any coal mine operated within the Territory of Utah, shall keep a sufficient supply of timber on hand, to be used as props and cap pieces so that the workman employed therein may at all times be able to properly secure said workings from caving in, and it shall be the duty of said owner agent, or operator to send down in the mine all such props and cap pieces, and place them not more than three hundred feet from the face of such workings.

SEC. 2. The violation of any of the provisions of this act shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the penitentiary for a term not exceeding one year, or by both such fine and imprisonment.

Approved March 10, 1892.

CHAPTER XLII.

REGISTRATION.

AN ACT to amend Sections 239, 240, 241, 242, 243, and 247 of the Compiled Laws of Utah, 1888, Relating to Elections.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 239 of the Compiled Laws of Utah, 1888 is hereby amended by striking out in line five the word "June" and the figures "1878" and by inserting in lieu thereof the word "September" and the figures "1892."

SEC. 2. That section 240 of said laws is hereby amended

by striking out in lines two and three thereof the words "at the time of making the annual assessment for taxes in each year, beginning in 1879," and by inserting in lieu thereof, "on the first Monday in August, 1892."

SEC. 3. That section 241 of said laws is hereby amended by striking out in line two thereof the word "first" and inserting in lieu thereof the word "last" and in line three thereof the word "June," and by inserting in lieu thereof the word "September."

SEC. 4. That section 242 of said laws is hereby amended by striking out in line five thereof the words "first day of July," and by inserting in lieu thereof the words "the second Monday of October."

SEC. 5. That section 243 of said laws is hereby amended by striking out all of said section after the word "thereto," in line three.

SEC. 6. That section 247 of said laws is hereby amended by striking out in line two thereof the word "June," and inserting in lieu thereof the word "September."

SEC. 7. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER XLIII.

REAL PROPERTY.

AN ACT amending Sections 3801 and 3803 of the Compiled Laws of Utah 1888, relating to Proceedings for Obtaining Possession of Real Property.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 3801 of the Compiled Laws of Utah of 1888 is amended as follows: By inserting after the word "detainer" at the end of the twelfth line, the following: "And any amount found due the plaintiff, by reason of the waste of the premises by the defendant during the tenancy,"—and by striking out all of said section after the word "due" in line nineteen.

SEC. 2. That section 3803 is hereby repealed and the following inserted in lieu thereof: "If either party shall feel aggrieved by the judgment rendered in such action, he may appeal within ten days, but no such appeal by a defendant shall stay proceedings on such judgment, unless the appellant shall, Right of appeal.

Liability.

within said ten days, execute and file with the court or justice his undertaking to the plaintiff, with two or more sureties, in such sum as such court or justice shall fix, to the effect that the appellant will pay all costs of such appeal which may be awarded against him, and abide the order of the court therein; and if the judgment appealed from be affirmed, in whole or in part, will pay said judgment or the part thereof, in respect to which it be affirmed and pay all rents and other damages justly accruing to the plaintiff during the pendency of such appeal. Upon taking such appeal and filing such undertaking, all further proceeding in the case shall be thereby stayed."

SEC. 3. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER XLIV.

TRIAL BY JURY.

AN ACT to amend Section 3371 of the Compiled Laws of 1888, of the Territory of Utah, in regard to Trial by Jury.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 3371 of the Compiled Laws of 1888, of Utah, is hereby amended so as to read as follows:

Section 3371. In all civil cases a verdict may be rendered on the concurrence therein of nine or more members of the jury. When the jury have agreed upon their verdict they must be conducted into court by their foreman. The verdict must be in writing and signed by their foreman if he is a concurring juror, and if he is not a concurring juror it must be signed by all concurring members and be read by the clerk to the jury, and the inquiry made whether it is their verdict, and the answer may be made by any juror signing the verdict. If more than three jurors dissent, they must be sent out again, but if not more than three jurors dissent, and neither party requires the jury to be polled, the verdict is complete and the jury discharged from the case. Either party may require the jury to be polled, which shall be done by the judge or clerk asking each juror if it is his verdict. If more than three answer in the negative the jury must be again sent out.

Approved March 10, 1892.

CHAPTER XLV.

WASHINGTON AND IRON COUNTIES.

AN ACT Attaching a Part of Washington County to Iron County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That all that portion of Washington county, beginning at the intersection of Iron, Kane and Washington counties, being the southeast corner of Township thirty-seven south, range ten west, and running thence south three miles to the northeast corner of section 24, in township 38 south, range 10 west; thence running west 18 miles to the northeast corner of section 24, township 38 south, range 13 west; thence north on township line 3 miles to the southeast corner of township 37 south, range 13 west; thence east on township line 18 miles to the southeast corner of township 37 south, range 10 west and point of beginning is hereby made a part of Iron county.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER XLVI.

STATISTICS.

AN ACT Creating a Bureau of Statistics.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That a Bureau of Statistics is hereby created and the statistical year is hereby designated as follows: 1st; The year 1895, and tri-ennially thereafter.

That the Territorial Librarian is hereby made the Territorial Statistician, and shall receive a salary of \$1,000 for each statistical year. Statistician.
Salary.

SEC. 2. It shall be the duty of the Territorial Statistician, on or before the first day of January, 1895, and tri-ennially thereafter, to prepare and cause to be furnished to the county clerks of the several counties, for delivery to the Deputy Statisticians, suitable blank forms for the collection of statistics as hereinafter provided by this act. Duty of.

Deputies.

Pay of.

Compilation and
tabulation.

What data to collect.

Make oath to.

SEC. 3. The county courts in the several counties shall, on or before the first day of January in each statistical year, appoint one or more competent men as Deputy Statisticians, whose duty it shall be to collect such statistical data as the blanks mentioned in Section 2 of this act call for, and such additional statistics as the Territorial Statistician may deem for the best interests of the Territory, and shall forward the same to the Territorial Statistician as provided in this section. Such Deputy Statisticians shall be paid such sums per diem, out of the county treasury, as shall be fixed upon by the county court, and shall act under the direction of, and instructions from, the Territorial Statistician.

The county court shall, where there is more than one Deputy Statistician, appoint one of said deputies to compile and tabulate the statistics obtained under this act, whose duty it shall be to forward the same to the Territorial Statistician by June 1st. in each statistical year.

SEC. 4. The Deputy Statistician in each county shall procure, from each person, a statement of the number of acres of improved land, and the number of unimproved land in each farm; the number of acres under cultivation during the preceding year, the number of acres irrigated and number of acres under enclosure for pasture; the kinds of crops and the respective acreage thereof, the amount and value of each respective crop during the preceding year; the number of acres of apple trees, peach trees, apricot trees, pear trees and plum trees, and the number of bushels each of apples, peaches, apricots, pears and plums sold the preceding year; the number of bushels and the value of small fruit, including cherries, currants and berries, and the number of pounds and value of grapes sold the preceding year; the number of gallons made of wine, cider, vinegar and sorgum; number of pounds made, each, of butter, cheese, honey and dried fruits of each kind respectively; number of hives of bees; number of pounds of wool shorn; number, each, of milch cows, cattle, horses, mules, asses, sheep, goats and swine over six months old, owned on the 31st day of December of the preceding year.

SEC. 5. The statement, required by Section 4 of this act, shall be signed by the person making it, and he shall be required by the Deputy Statistician, to swear to the same before him, who is hereby authorized to administer the necessary oath which shall be, in substance, as follows: I,, do hereby swear (or affirm), that the above schedule contains a full and correct statement concerning the matters and things therein required of me, to the best of my knowledge and belief.

SEC. 6. Any person who is required by this act to give

information, and refuses, upon proper request so to do, shall ^{Refusing information.} be subject to a penalty of not less than five dollars nor more ^{Penalty.} than two hundred dollars, to be recovered by suit in any court of competent jurisdiction upon complaint of any person before such court. And it shall be the duty of the district attorney or county attorney of the proper county to prosecute ^{Prosecution.} such suit, at the expense of the county, for the use of the ^{Penalty to school fund.} school fund of such county.

SEC. 7. In addition to the statistics mentioned in article 4, the Deputy Statistician shall collect and compile data, and ^{Additional data.} return the same to the Territorial Statistician, on the following subjects: The amount that has been expended in each town and city in his county, and throughout his county, for buildings, private and public, respectively; amount expended for public works; the number of kinds of industrial concerns in each town, city and county, with the number of people employed, and the amount of wages paid; the value of their plants; the amount and value of their annual product and capital invested; the number of stores of each kind, respectively, in each town, city and county, capital invested, amount of annual sales, number of employees, and wages paid; the number of miles of street railway in operation, and the kinds of motive power; the number of hands engaged in each kind of mining, capital invested, number of hands employed, amount of wages paid, annual output in tons and values; number of smelters and stamping mills; average cost of reducing ores, number of hands employed, wages paid and tons reduced, and such data concerning the irrigation system in each county, as the Territorial Statistician may desire. Deputy Statisticians shall estimate ^{Shall estimate population.} the population of the county, but beginning with the year 1895 and in every third year thereafter, there shall be an actual census taken of the inhabitants of the county.

SEC. 8. The Deputy Statisticians shall begin their work not later than the first day of February in each statistical year, ^{When to begin work} and shall collect the statistics required by this act for the twelve months preceding the first day of January. For refusal or neglect to so collect, compile and transmit said statistics, as hereinbefore provided, such statistician, so refusing or neglect- ^{Refusal a misdemeanor.} ing, shall be deemed guilty of a misdemeanor.

SEC. 9. The Territorial Statistician shall, on or before the first day of August in each statistical year, compile the statistics from the several counties, and, by the first day of September, he shall have printed for distribution 5,000 ^{Printed copies distribution.} copies, a reasonable number thereof to be given to the various Chambers of Commerce, and kindred organizations, and each county of the Territory. The Territorial Statistician shall carefully read all the proof sheets of his report before the statistics are published.

appropriation for
publication.

SEC. 10. The sum of \$500.00 for each statistical year is hereby appropriated and ordered paid out of the Territorial Treasury in the usual manner, to be used by the Territorial Statistician for printing the necessary blanks to be used by the Deputy Statisticians, for expressage, for publishing 5,000 copies of his report, and for incidental expenses of his office.

SEC. 11. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 12. That after the approval of this act, no further statistics shall be taken during the year 1892; *Provided*, That the labor already actually performed in collecting such statistics shall be paid for as provided by the act of 1890.

SEC. 13. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER XLVII.

LEGISLATIVE ASSEMBLY.

AN ACT Fixing the Time for Electing the Members of the Legislative Assembly, Privileging Them from Arrest, and Fixing the Time and Place for Commencing the Session of the Legislative Assembly.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah.

SECTION 1. That the members of the Legislative Assembly of this Territory shall be elected in their respective districts at the general election in November in the year 1893, and bi-ennially thereafter, and their term of office shall be two years.

SEC. 2. The sessions of the Legislative Assembly shall be held at the city of Salt Lake, in a suitable and convenient building to be provided by the Secretary of the Territory, and shall commence such session at two o'clock p. m. on the second Monday of January next after the election of members thereof.

SEC. 3. The members of the Legislative Assembly shall be privileged from arrest and summons during the sessions thereof, or during the time of their going to and returning from said sessions, except for felony; and no suit at law or against any member shall be prosecuted during said sessions.

SEC. 4. Nothing in this act shall be construed to change or effect the terms of office of the members of the present Legislative Assembly.

SEC. 5. All laws and parts of laws, in conflict with the provisions of this act, are hereby repealed.

Approved March 10, 1892.

CHAPTER XLVIII.

MORTGAGES AND TRUST DEEDS EXEMPT FROM TAXATION.

AN ACT to amend Section 2009 of the Compiled Laws of 1888, relating to the Exemption from Taxation of Mortgages and Trust Deeds and repealing Chapter XLIX of the Session Laws 1890.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 2009 of the Compiled Laws of Utah, 1888, is hereby amended by adding thereto a new subdivision numbered 13 as follows:

13. Mortgages and trust deeds of real or personal property and the notes and debts secured thereby whenever such property, held as security, is taxable. Mortgages and trust deeds; when taxable

SEC. 2. That chapter XLIX, page 76, of the Session Laws of 1890, an act requiring the several county recorders of the counties of Utah Territory to furnish abstracts of mortgages to the assessors of the counties in which the mortgagee resides, approved March 13th, 1890, be, and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER XLIX.

BEEES.

AN ACT repealing Chapter 22, Session Laws of 1890, relating to Bee s.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Chapter 22, Session Laws of 1890, is hereby repealed and the following substituted in lieu thereof.

Sec. 2198, s 4. It shall be the duty of the inspector to Inspector to visit. visit all the hives of bees in his county or district, at least once a year, and at any time upon the complaint of any bee

Complaint.

owner, that the disease known as "foul brood" exists among the bees of any person, whether owner or custodian; it shall be the duty of the inspector to whom the complaint is made, to immediately inspect the bees said to be thus infected; and if such inspector finds the "foul brood" does exist among such bees, said inspector shall immediately take charge and control of them and give them proper treatment for the cure of the disease; or he may destroy such portions of the bees and brood and of the hives and contents as may be necessary. *Provided*, in case the owner has any doubts about his bees being infected and objects to their being destroyed, as in this act provided, then such fact shall be determined by arbitration, the said inspector choosing one arbitrator, the owner of such bees another, and they two a third, from among the beekeepers of said county, who shall immediately inspect such bees, and determine whether or not the bees so inspected are diseased.

Disagreement may be settled by arbitration.

Preventing inspection a misdemeanor.

Sec. 2199 s 5. If any person shall in any way obstruct by threats of violence, or in any other manner, or prohibit or prevent a duly appointed bee inspector from inspecting, taking charge of, treating or destroying bees, as provided in this act, on conviction thereof before the nearest justice of the peace of the precinct in which said bees are kept, the person so doing shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than five nor more than twenty-five dollars for the first offense, and for each additional offense he shall be liable to a fine not to exceed fifty dollars.

Fine for.

Sec. 2200 s 6. To provide for the prosecution of the duties of Bee inspectors under this act, the county courts are hereby authorized to and shall appropriate the sum of three dollars per day for the time that the inspector is actually employed in the performance of his duties out of the revenues created by a special tax as hereinafter provided. *Provided*, that it shall be unlawful for such inspector to receive gifts or compensation from the owner of bees or from any bee association.

SEC. 2201. It shall be the duty each year of the assessor of each county to levy a special tax, not exceeding five cents, on every colony of bees in the county, to be known as a bee tax. Said tax shall be collected by the collector of each county and paid to the county treasurer, in the manner provided by law, for the collection and payment of other county taxes. Said fund shall constitute the "Bee Fund," to be used for the payment of the bee inspector.

Approved March 10, 1892.

CHAPTER L.

DOWER.

AN ACT prescribing the Procedure in the Matter of Dower.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. When a woman is entitled to dower, and it is not set out to her by the heir or other tenant to her satisfaction according to the true intendment of the law, now assigned to her by the probate court, because of her right thereto being disputed, or when she claims damages for its detention, she may recover the same in the manner hereinafter provided. In event of dispute.

SEC. 2. She shall demand her dower of the person or persons seized of the lands at the time when she makes such demand, unless such person or persons be unknown to her or absent from the Territory, and she shall not commence her action therefor before the expiration of one month, nor after the expiration of one year from the time of making such demand. But this shall not preclude her from making a new demand and commencing action thereon. Time of beginning action.

SEC. 3. A demand of dower in writing, signed by the widow or by her agent or attorney, containing a general description of the premises from which the dower is claimed, and giving to a tenant of the freehold or left at his last and usual place of abode shall be sufficient demand of dower. What shall constitute demand.

After making demand of dower as herein provided, if dower shall not be set out to her by the heir or other tenant of the freehold, the widow may commence her action in the district court of the judicial district wherein the estate is being, or may be, settled, and proceed as provided in the code of civil procedure. Where action may begin.

SEC. 4. If the widow recovers judgment for her dower, she shall in the same action, recover damages for its detention, to be assessed by the jury under direction of the court, unless the parties file a written agreement in court that the commissioners mentioned in the following section shall assess said damages. May recover damages.

SEC. 5. If upon default, or on the trial of an issue, it appears that the demandant is entitled to her dower, the court shall award the interlocutory judgment therefor, and shall then issue a warrant to three disinterested persons as commissioners to set out said dower equally and impartially and as conveniently as may be, according to their best skill and judgment, and, if an agreement has been filed as provided in the preceding section, to award damages for its detention. Providing for commissioners.

SEC. 6. Said commissioners, before proceeding to the execution of their duties, shall be sworn faithfully and impartially to execute the same, a certificate of which oath shall be made on the warrant by the person who administers it.

Duties of commissioners.

They shall give to the parties to the suit sufficient notice of time and place appointed for setting out the dower, and all of them shall meet for the performance of any of their duties, but the acts of a majority shall be valid.

Shall make return to court.

SEC. 7. The commissioners shall make under their hands a return of their doings, with the damages, if any, assessed by them, together with their warrant, to the court from which said warrant was issued. If their report is confirmed, judgment shall be rendered that the assignment of dower shall be firm and effectual during the life of the demandant, and for the damages assessed by said commissioners.

Right of appeal.

SEC. 8. A party aggrieved by a judgment rendered under Section 5, or upon a report of the commissioners aforesaid, may appeal therefrom to the Supreme Court; *Provided*, the appeal shall be taken from the interlocutory judgment within sixty days from the rendition thereof.

Execution may issue.

SEC. 9. When final judgment has been recovered by the demandant, execution shall issue thereon for the possession and for costs, and, if the judgment is for damages also, the execution shall include such damages.

Liability for damages.

SEC. 10. The action shall be brought against the person who is tenant of the freehold at the time when it is commenced; but if the demand was not made on such tenant, he shall be liable for damages only for the time during which he held the premises.

May afterwards maintain action.

SEC. 11. In such case, if the defendant recovers her dower and damages she may afterwards maintain an action of tort against the prior tenant of the freehold, on whom her demand was made, for the rents and profits for the time during which he held the premises after the demand.

May be assigned.

SEC. 12. When the estate consists of tenements which cannot be divided without damage to the whole, the dower may be assigned of the rents, issues or profits, to be had and received by the demandant as tenant in common with the other owners.

Providing for partition.

SEC. 13. When a woman is entitled to a dower right as an undivided interest in lands owned by her husband as a tenant in common, the court may empower the commissioners to make partition of the lands so owned in common, in whatever county they may be located, and then to assign to the widow her dower in the interest so partitioned.

Shall be docketed.

SEC. 14. All cases for the assignment of dower certified to the district from the probate court shall be docketed forth-

with, and thereupon such proceedings shall be had as in this act provided.

SEC. 15. For the services of the commissioner herein provided for, the court shall allow such compensation as may be just, and, in its discretion, charge the cost and expenses of the proceeding against either of the parties, or against the estate of the deceased. Compensation of commissioners.

SEC. 16. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LI.

ASSIGNMENT OF DOWER.

AN ACT to Amend Section 4119 of the Compiled Laws of Utah of 1888, and Enacting New Sections 4120, 4121, 4122, 4123, Relating to the Assignment of Dower.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 4119 of the Compiled Laws of Utah of 1888 be amended so as to read as follows:

Sec. 4119, s7. If a widow has a maintenance derived from her own property equal to the portion set apart to her by the preceding sections of this chapter, the whole property so set apart other than the homestead, must go to the minor children. The probate court of the county where the estate is settled shall have jurisdiction, upon the application of the widow, or if she fail to petition within one year from the decease of her husband, by any person having an estate in the lands subject to such interest, or by the guardian of any such heir, devisee, or person, to assign her dower in all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage, in whatever counties the lands lie, unless she shall have lawfully released her right thereto. Upon petition for assignment of dower being made and filed in writing at any time prior to the final settlement of the estate, the probate court or judge shall fix a day and place for the hearing of said petition, and shall cause notice thereof to be given by serving a copy of an order upon all persons interested in the estate, residents of the county, at least ten days, and in case of non-residents of the county who are residents of the Territory, thirty days, before the time appointed for hearing the petition, or cause the same to be published six successive weeks in such newspaper as the court or judge shall direct. In all cases where any person interested in the lands charged with the dower right is a

Rights of mine heirs.

Probate court has jurisdiction.

Upon petition judge shall fix day for hearing.

Publication.

non resident of the Territory, publication as aforesaid must be made. The court, at the time and place appointed in such order, or at such other time to which the hearing may be postponed, upon satisfactory proof of service as herein provided, will proceed to hear the petition, and hear and examine the allegations and proofs of the petitioner and of all persons interested in the estate who may oppose the application. If the widows right is not disputed by the heirs or devisee, or persons claiming under them, and if the court is satisfied, after a full hearing upon the petition and an examination of the proofs and allegations of the parties interested, that the deceased left a widow who is entitled to a dower interest in any of the lands of which her husband was seized of an estate of inheritance at any time during the marriage, it shall proceed to make her assignment of dower therein in the following manner:

SEC. 2. That a new section numbered 4120a is hereby enacted as follows:

Section 4120, s. 8. The court shall issue a warrant to three discreet and disinterested persons, who shall be sworn to perform their duty faithfully and impartially according to their best skill and judgment, and who shall set off the widows interest by metes and bounds, where it can be so done without damage to the whole estate. But when the estate out of which a widow's interest is to be assigned consists of tenements or property which cannot be divided without damage to the whole, such interest may be assigned out of the rents, issues or profits thereof to be had and received by the widow as a tenant in common with the other owners of the estate. They shall give all parties in interest due notice of the time and place appointed for the setting out the dower, and all of these shall meet for the performance of their duties, but the acts of a majority shall be valid.

SEC. 3. That a new section numbered 4121b is hereby enacted as follows:

Section 4121, s 9. When a woman is entitled to a dower right in an undivided interest in lands owned by her husband as tenant in common, the probate court, upon petition by her, or by any person entitled to petition for assignment of her interest in her husband's land, and upon notice and in the manner as in case of other partitions provided for in the act of which this is amendatory may empower commissioners to make partition of the lands so owned in common, in whatever county they may be located, and then to assign to the widow her dower interest in the portion set off to the estate of her husband.

SEC. 4. That a new section, numbered 4122 is hereby enacted as follows:

satisfied court
it make assign-
ment.

Method of setting
off widow's interest.

Interest may be as-
signed from rents
and profits.

en of lands.

Section 4122. s10. When a widow is entitled to an interest in lands of which her husband was seized, she may, without having her interest assigned, continue to occupy such lands Widow may occupy. with the heirs or devisees of the deceased, or to receive her share of the rents, issues or profits thereof so long as such heirs or devisees do not object thereto, and when the heirs or devisees, or any of them, deem it proper to hold or occupy their share in severalty, the widow may claim her interest and shall have the same assigned to her according to law.

SEC. 5. That a new section numbered 4123 d is hereby enacted as follows:

Section 4123. s11. The reports of the commissioners Reports of commissioners. making petition and assignment of dower as herein provided shall be confirmed by the court upon the notice and in the manner in the act of which this is amendatory provided in cases of distribution and partition of estates, and the orders of confirmation be recorded in the offices of the recorders of the several counties wherein the lands lie.

If the widow's right to dower be disputed by the heirs, If widow's right be disputed. devisees or persons claiming under them, the probate court shall certify the proceedings to the proper district court for trial and determination, as provided by law, and in such cases the said district court shall have jurisdiction, through commissioners to be appointed by it, over lands of the deceased subject to dower, wherever situate in the Territory. The judgment of the district court in the premises shall be certified to the court of probate, which shall make distribution and partition of the estate subject thereto.

For the services of the commissioners herein provided for the court shall allow such compensation as may be just, and the cost and expenses of the setting out of dower shall be a charge against the estate. Commissioner's services.

SEC. 6. This act shall take effect and be in force from and after its approval.

Approved March 10, 1892.

CHAPTER LII.

LIQUOR LICENSE.

AN ACT to Amend Sections 2158 and 2169, Chapter XVII, of the Compiled Law of Utah 1888, Relating to the Revocation of Liquor Licenses, etc.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah.

SECTION 1. That Section 2158 of the Compiled Laws of Utah, 1888, be and the same is hereby amended by adding thereto the following, to-wit: “*Provided*, That any application for such license may be refused for good cause, in the discretion of the City Council or County Court, and that no such license shall be granted to any establishment, except a a hotel, located within three hundred feet of any church or public school building being used for that purpose or within fifty feet of any theatre, variety theatre, concert hall or any like place of amusement, and, *provided further*, that no saloon, tippling house or dram shop shall have or keep in connection with, or as part of, such saloon, tippling house or dram shop any wine room or other place, either with or without door or doors, curtain or curtains, or screen of any kind, into which any female person shall be allowed to enter from the outside, or from such tippling house or dram shop, and there be supplied with any kind of liquor whatsoever.

Application may be refused.

Location.

SEC. 2. That Section 2169 of said Compiled Laws is hereby amended by adding thereto the following: “And the County Court or the City Council may revoke any licenses granted to the keepers of saloons, tippling houses, dram shops, or for the selling or giving away of any intoxicating drink or malt liquors, within the city or county, whenever, in the judgment of the court or City Council, such action may be necessary to the peace and good order of any precinct in the county or of the city.

May revoke license.

SEC. 3. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LIII.

RAILROAD CORPORATIONS.

AN ACT to Amend Section 2358 of the Compiled Laws of Utah of 1888, Relating to Railroad Corporations.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah.

SECTION 1. That Section 2358 of the Compiled Laws of Utah of 1888 be amended by adding to said section the words, “as to all parts of its chartered lines not then constructed.”

Approved March 10, 1892.

CHAPTER LIV.

LOAN, TRUST AND GUARANTY ASSOCIATIONS.

AN ACT to Amend an Act to Provide for the Incorporation and Management of Loan, Trust and Guaranty Associations, Chapter 60 Session Laws of 1890.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 1 of an act to provide for the incorporation and management of loan, trust and guaranty associations, Session Laws, 1890, is hereby amended as follows:

(a) By striking out, in lines four and five of said section, the words "under the provision of this act."

(b) By inserting after the word "to," in line 18 of said section, the word "buy," and after the word "otherwise" in line 20 the words "and to sell and assign mortgages and endorse negotiable instruments."

(c) By striking out, in lines 20 and 21 of said section, the words "but such corporation shall not have power to enter into the buying and selling of real estate as a business," and by inserting in lieu thereof the words "to make, execute, and deliver bonds, promissory notes, and bills of exchange."

SECTION 2. This act shall take effect from its approval.

Approved March 10, 1892.

CHAPTER LV.

MARRIAGE.

AN ACT to amend Sub-division 2 of Section 2589 s 7, and Section 2601 s 19, of the Compiled Laws of Utah, 1888, being an Act to Regulate Marriage.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah.

SECTION 1. That sub-division 2 of section 2589 s 7, of the Compiled Laws of Utah of 1888, be, and the same is, hereby amended by adding, after the words "probate judges," in line 1 of said sub-division, the "mayors of cities."

SEC. 2. That section 2601 s 19 be, and the same is, hereby repealed, and the following inserted in lieu thereof: "2601 s 19. The clerks of the several probate courts shall be entitled, ^{Fees.} for each license issued, the sum of fifty cents, and for record-

ing the same, when returned to him, the sum of seventy-five cents, all of which he may demand at the time of issuing the license.

Approved March 10, 1892.

CHAPTER LVI.

FOURTH JUDICIAL DISTRICT.

AN ACT Creating and Defining a New Judicial District.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That hereafter the counties of Millard, San Pete, Sevier, Juab, Wasatch, Utah, Emery, San Juan, Grand and Uintah and all counties hereafter formed out of the territory embraced in said counties shall constitute the First Judicial District.

SEC. 2. That hereafter the counties of Kane, Washington, Iron, Beaver, Garfield and Piute and all counties hereafter formed out of the territory embraced in said counties shall constitute the Second Judicial District.

SEC. 3. That hereafter the counties of Salt Lake, Summit, Davis and Tooele and all counties hereafter formed out of the Territory embraced in said counties shall constitute the Third Judicial District.

SEC. 4. That hereafter the counties of Weber, Box Elder, Cache, Rich and Morgan and all counties hereafter formed out of the territory embraced in said counties shall constitute the Fourth Judicial District.

SEC. 5. All causes, both civil and criminal, in which the cause of action shall arise in either of the counties constituting the districts as hereinbefore named, shall be heard, tried and determined in such district, at such time and place, as the Governor may, by proclamation, fix. *Provided*, that in in all cases a change of the place of trial may be allowed as is, or may be prescribed by law.

Governor may fix
time and place.

Changes of actions.

SEC. 6. All actions at law, suits in equity and indictments for crime, and other legal proceedings, which may be pending in the northern division of the First Judicial District, comprising the counties of Weber, Box Elder, Cache, Rich and Morgan may be prosecuted to judgment and execution in the Fourth Judicial District Court created by the provisions of this Act, and all papers and records, relating to

said northern division of said district, shall be valid and used in said Fourth Judicial District for all or any purpose for which the same may be necessary for the transaction and completion in said Fourth Judicial District of all business now pending in the northern sub-division of the First Judicial District and the Clerk of the Fourth Judicial District shall be the custodian, and may certify copies for evidence of all records, proceedings and papers heretofore filed in said sub-division of the First Judicial District, with like effect as the Clerk of the First Judicial District could heretofore certify the same. Custodianship and certification.

SEC. 7. That the Clerk of what now constitutes the First Judicial District, and the Stenographer for the northern sub-division of the First Judicial District, continue to be the Clerk and Stenographer of the Fourth Judicial District until other appointments are made.

Approved March 10, 1892.

CHAPTER LVII.

EVIDENCE.

AN ACT providing for Reading Evidence Once Taken by an Official Reporter in Certain Cases.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Whenever, in any court of record the testimony of any witness, in any case, civil or criminal, shall be phonographically reported by an official court reporter and certified by him to be correct and thereafter said witness shall die, or be beyond the jurisdiction of the court in which the cause is pending, either party to the record may read in evidence the testimony of said witness in any subsequent trial of or proceeding had in the same cause, subject only to the same objection that might be made, if said witness were upon the stand and testifying in open court.

SEC. 2. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LVIII.

CONTINGENT EXPENSES.

AN ACT to Provide for the Payment of Additional Contingent Expenses of the Thirtieth Legislative Assembly of the Territory of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the following sums of money are hereby appropriated out of any money in the Territorial Treasury for the purpose of defraying certain contingent expenses of the of the Thirtieth Session of the Legislative Assembly as hereinafter expressed.

To E. G. Woolley Jr, services as minute clerk of the Council.....	\$300 00
To D. C. Dunbar, services as minute clerk of the House.....	\$300 00
To C. C. Shaw, services as Chaplain of the Council	\$150 00
To David Matheson, services as Chaplain of the House	\$150 00
To E. Sells, messenger service.....	\$240 00
To J. D. Adams, as messenger for Governor.....	\$240 00
To Emma Schroeder, services as official stenographer for the Council.....	\$185 00
To E. J. Young, services as official stenographer for the House.....	\$168 00

SEC. 2. The Auditor of Public Accounts shall draw his warrants on the Treasury for the sums hereinbefore named.

SEC. 3. This Act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LIX.

DECEDENTS.

AN ACT Providing for the Escheat of Property of Decedents

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. All property, real, personal or mixed, of persons dying, or who have died, intestate and without heirs, situate in this Territory at the time of death, shall escheat to the Territory for the benefit of the common schools thereof.

SEC. 2. When in the due course of administration, as

Shall escheat for benefit of common schools.

provided in the general law relative to the settlement of estates of deceased persons, it shall appear that there are no heirs, nor any one entitled to succession under the laws of the Territory, it shall be the duty of the Probate Court, after payment of creditors and all taxes as provided by law, to close the administration and cause the proceeds of all personalty to be paid into the Territorial Treasury for the benefit of the common schools. At any time within one year after the making of the order to close the administration, any person shall make claim as an heir, or entitled to the succession, in whole or in part, he or she may petition the Probate Court in the premises, and thereupon the administration shall be opened and continued as by law provided.

Duty of Probate Court.

Continuation of administration.

SEC. 3. If it shall finally be determined that no person is entitled to the estate, or any part thereof, the Probate Judge shall certify the fact and of the close of the administration, or that one year has expired from the date of the order provided for in Section two of this Act, without any claimant having appeared; whereupon the property unclaimed shall escheat to the Territory, and the Auditor shall take possession of the realty and sell the same.

Certification of close of administration.

The proceeds of all property escheated under this Act shall be paid into the Territorial School Fund to be distributed as provided by law.

SEC. 4. All acts and parts of acts in conflict with this Act are hereby repealed.

Approved March 10, 1892.

CHAPTER LX.

PHONOGRAPHIC REPORTERS.

AN ACT Amending Sections 3095, 3096, 3097, 3098, and 3099 of the Compiled Laws of Utah, 1888, entitled "An Act Revising the Code of Civil Procedure of Utah Territory, Approved March 13th 1884, Relating to Phonographic Reporters."

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 3095 of the Compiled Laws of Utah, 1888, be and the same is hereby amended as follows:

By inserting after the word "appointment" in the fourth and fifth lines of said section the following:

And in each district court of this Territory where the business thereof frequently requires the holding of such court by two judges separately, the judge of said court shall ap-

Judge shall appoint
and assign.

point a competent assistant phonographic reporter, to be known as the assistant official reporter of such court, and to hold office during the pleasure of the judge making the appointment; and the judge of said court shall assign the official reporter to duty and service in all trials, hearings and proceedings had before such judge, or else to duty and service in all trials, hearings and proceedings had before the assistant judge, but not to duty and service before both judges, and after so assigning the official reporter, shall assign the assistant official reporter to duty and service in all trials, hearings and proceedings had before the judge to whose branch of the business of such court the official reporter was not assigned.

Assistant reporter.

And said section is hereby further amended by striking out the words "such reporter" in the first sentence of the fifth line of said section, and inserting in lieu of said words, the following, "Either of said reporters."

SEC. 2. That Section 3096 of said Compiled Laws be and the same is hereby amended as follows:

By inserting after the word "reporter" in the second line of said section 3096 the words, "or assistant official reporter," and by inserting after the word "reporter" in the ninth line of said section, the words "or assistant official reporter," and by striking out the words "such position" in the tenth line of said section and inserting the following words, "To either the position of official reporter or assistant official reporter."

Examination and
certificate.

The examination in this section provided for, shall be open to all persons furnishing satisfactory evidence of good moral character, and public notice of the time and place of the holding of such examination shall be given, and the certificate shall only be issued to the person passing the best examination.

SEC. 3. That Section 3097 of said Compiled Laws be and the same is hereby amended as follows:

By inserting after the word "reporter" in the first line thereof the words "and the assistant official reporter" and by striking out all the words of the third sentence of said section after the word "section" beginning the eighth line of said section, and inserting in lieu of the words stricken out, the following words: "The assistant official reporter, and no one else, shall attend to the duties of the office, except when engaged in the other branch of the court or excused as aforesaid. Said section is hereby further amended by striking out the words "official reporter pro tempore" in the last sentence of said section and inserting in lieu thereof the words "assistant official reporter."

Attention to official
duties.

SEC. 4. That Section 3098 of said Compiled Laws be and the same is hereby amended as follows:

By striking out the words "official reporter pro tempore" in the second line of said section and inserting in lieu thereof the words "assistant official reporter."

SEC. 5. That Section 3099 of said Compiled Laws be and the same is hereby amended as follows:

By inserting after the word "reporter" in the first line of said Section 139 the following words, "and the assistant official reporter;" by changing the word "his" in the second line of said section to the word "their"; by changing the word "reporter" at the end of the sixth line of said section to the word "reporters," and by changing the word "reporter" in the thirteenth line of said section to the word "reporters"

SEC. 6. This act shall take effect and be in force from and after the first day of April 1892.

Approved March 10, 1892.

CHAPTER LXI.

DEPOSITIONS OF WITNESSES.

AN ACT to Amend Section 3944 of the Compiled Laws, Utah, 1888, Relating to the Taking of Depositions of Witnesses Out of this Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 3944 of the Compiled Laws of Utah, relating to the taking of depositions of witnesses out of this Territory, be, and the same is hereby repealed and the following substituted in lieu thereof:

Section 3944. S 1238. The deposition of a witness out of this Territory may be taken upon commission issued from the court, under the seal of the court, upon an order of the judge, or court, or probate judge, or justice of the peace under his hand in any case pending before either of such courts, judge or justice of the peace, on the application of either party, upon five days previous notice to the other. If issued to any place within the United States, it may be directed to any person agreed upon by the parties, or, if they do not agree, to any judge or notary public, or person named or commissioned by the officers issuing it. If issued to any country out of the United States, it may be directed to a minister, ambassador, consul, vice-consul or consular agent of the United States in such country, or to any person agreed upon by the parties.

Approved March 10, 1892.

CHAPTER LXII.

UNIVERSITY LANDS.

AN ACT Authorizing a Sale of the Lands Donated for the Benefit of the University of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. The Commissioners to locate University lands for the Territory of Utah shall complete the location of the University lands as provided for in the third section of an act of Congress entitled "An Act to Establish the Office of Surveyor General of Utah, and to grant lands for School and University Purposes," approved February 21st, 1855. They shall acquire said title to said lands in the name of the Territory of Utah, and record the same in the office of the County Recorder of each county in the Territory where said lands, or any of them, are situated; and after the same is recorded as aforesaid, they shall deposit the same in the office of the Secretary of the Territory of Utah. They shall keep a copy of said title in their office, and file another copy with the Board of Regents of the University of Utah.

Acquirement and recording of titles.

SEC. 2. The said commissioners are hereby constituted a board of appraisers, to appraise said lands. The place of their office shall be in Salt Lake City.

Board of appraisers.

SEC. 3. The said commissioners shall proceed to have said lands surveyed in the smallest legal sub-divisions of the United States surveys, and shall cause good and substantial posts to be placed upon the corners of said sub-divisions, on which shall be plainly marked the proper description of said sub-division as described in the United States survey; and for this purpose they shall employ the county surveyor of the respective counties in which said lands are located who shall be paid the same compensation for their services as allowed by the Territorial fee bill.

Survey and description.

SEC. 4. As soon as the said lands in any county have been surveyed the commissioners shall procure a proper map of said lands as platted. They shall cause a copy of the same to be recorded in the office of the Secretary of the Territory, and another in the office of the Board of Regents of said University. They shall also cause a plat of the said university lands lying in any county to be filed in the office of the county recorder of the county in which said lands are situated.

Map and recording thereof.

SEC. 5. As soon as said maps of said lands have been procured and filed as aforesaid, said Board of Appraisers shall make a careful inspection of said lands; and if any of said lands are occupied and improved they shall make and keep a particular description of all improvements made upon each of

Inspection.

said subdivisions, with a full and fair estimate of the value of said improvements, and the name and address of the person claiming the same. They shall appraise all of said lands, appraising each of said subdivisions separately, at a fair cash valuation, and where lands have been improved as aforesaid, they shall not take into consideration any increased value of said lands, by reason of said improvements. They shall list said lands and the price at which the same are appraised by them, and file a copy of said list or lists with the Secretary of the Territory and with the Board of Regents of said University. *Provided*, however, that none of the said lands shall be appraised at a sum less than two and one-half dollars per acre.

Appraisement.

Shall list.

Price of lands.

SEC. 6. As soon as lists are filed as aforesaid the Board of Regents shall meet and prescribe the length of the period of years within which payment shall be made by the purchaser of said lands at the sales hereinafter provided, when full payment therefor is not made at the time of sale and conveyance as hereinafter provided. The purchaser shall in all cases pay legal interest in advance on any unpaid sum, and the unpaid purchase money shall be paid in equal yearly installments, and if a purchaser fail or neglect to pay said interest or any of said installments when they are due and payable and for six months thereafter, then all payments made upon said land by said purchaser are forfeited as liquidated damages, and said lands will be again subject to sale as hereinafter provided, free and discharged from said purchase.

Shall prescribe time of payment.

Payment of interest.

Forfeitures.

SEC. 7. As soon as appraisal of said land in any county is completed as provided for in Section 5, said commissioners shall proceed to advertise said lands for sale at public sale, by posting notices thereof in at least six public places in the county where said lands may be situated for at least sixty days before the day of sale, and by publishing a like notice in a newspaper printed and published in Salt Lake City and having general circulation in such county or counties and also in a newspaper published and printed in said county, if there be one for at least sixty days next preceding the day of sale. Said notices shall contain a description of said land according to the United States survey and the time, place and terms of sale.

Advertisement of sale.

SEC. 8. Any person having settled upon, occupied, cultivated or improved any of said lands, may at any time after said notices shall have been published, and before the day of sale mentioned in said notices, purchase the same at private sale, at the appraised value thereof, upon the terms fixed by the Board of Regents; but if such person refuse or neglect to purchase such lands as aforesaid, within the time aforesaid, then the same shall be sold at public sale to the highest bidder.

May purchase at private sale at appraised value.

SEC. 9. The place of public sale of all said lands shall be at the court house of the county in which the land to be sold is situated.

SEC. 10. It shall be the duty of said commissioners to appoint one of their number to attend at such sales and make sale of the same. But no lands shall be sold at said sale at less than their appraised value. Ten per cent. of the purchase price must be paid down at the time of sale by the purchaser, and the remainder of the price must be paid on such terms, and at such rate of interest and at such time as the said Board of Regents may prescribe, but the interest must be paid annually in advance, and no deed of conveyance shall be issued to such purchaser until the full amount of the purchase price and interest thereon has been paid in full. But such purchaser may at such sale pay the full amount of said purchase price and conveyance shall issue to him forthwith upon said payment.

SEC. 11. All money for the purchase of said land shall be paid to the secretary of the Board of Regents, whose duty it shall be to attend at said sales. He shall give his receipt therefor, and upon full payment of the purchase price, or purchase price and interest, as the case may be, he shall issue to the purchaser a certificate signed by the chancellor and secretary, which shall state the name and residence of said purchaser, the description of the land purchased, the date when purchased and the date when full payment was made, and that said purchaser is entitled to a conveyance of said land to him in fee, and said purchaser upon presentation of said certificate to the Secretary of the Territory, shall receive a deed in the name of the Territory of Utah, signed by the Governor and Secretary of the Territory, under the seal of the Territory of Utah conveying to him in fee the land as purchased.

SEC. 12. All of said lands not sold as hereinbefore provided may, after they have been so offered for public sale, be sold at private sale by the Board of Regents, at a sum not less than their appraised value, upon the terms prescribed by said board, or they may be sold at public sale upon notice given by said board for the time and in the manner herein provided, but in no case shall they be sold for less than the appraised value, and said board may from time to time offer said lands for sale as aforesaid whenever they deem proper, and may from time to time require said Board of Appraisers to make a new appraisement of said unsold lands; *Provided*, That lands so again appraised shall not be sold at private sale until they have been offered at public sale as hereinbefore provided.

SEC. 13. The Governor and Secretary of the Territory of Utah are hereby authorized and directed to make and de-

liver to the purchaser of the said lands the deed hereinbefore provided for upon the presentation of the certificate.

SEC. 14. The proceeds of all sales as aforesaid shall be deposited with the Treasurer of the University of Utah, who shall keep a separate account of the same. Deposit proceeds of sales with treasurer of university.

SEC. 15. The Board of Regents are empowered to invest the proceeds of said sales in "bonds issued by the Territory of Utah or bonds issued by counties, cities and school districts in said Territory. All securities acquired with said fund shall be taken and held in the name of the University of Utah, and collected, discharged and released in that name. Regents may invest proceeds. Securities, disposition of.

SEC. 16. All proceeds of sales of lands aforesaid shall, without diminution, remain and constitute a fund for the benefit of the University of Utah, and no part of said fund shall be expended for any purpose whatever, but shall be held for investment and reinvestment perpetually as a separate fund, but all interests accruing from said investment of said fund may be used for the general maintenance of said University. Shall constitute a perpetual university fund. Investment and use of fund.

SEC. 17. It shall be the duty of the Board of Regents on the first Monday in January in each year to report all sales in duplicate, showing the lands sold, for what price sold, what payments have been made, what credits given the investments made and the amount of cash belonging to said fund on hand. They shall file one duplicate in the office of the Secretary of the Territory and one in the office of the Territorial Auditor of Public Accounts. Regents shall report land sales to territorial secretary and auditor.

SEC. 18. At the beginning of each regular session of the Legislature the Board of Regents shall make to the Governor and Legislative Assembly of the Territory of Utah, a full report, showing the lands sold, to whom, the price paid, the amount paid and unpaid the amount and description of the lands unsold, the disposition and investment of the money realized from sales of said land, the amount of interest received and the general conditions of the lands and fund; and they shall also make to the Governor and Legislative Assembly such further amended and supplemental reports as said Legislature or any committee appointed by said Legislature to examine the transactions of the Board of Regents may require. Report required to governor and legislature.

SEC. 19. The members of the Board of Appraisers, for their services as such appraisers, shall receive compensation at the rate of five dollars per day for each day actually given to appraisal or other necessary service rendered in the performance of their duties under this act. They shall also be allowed all other expenses actually and necessarily incurred in the performance of their duties herein imposed upon them. They shall file in the office of the Territorial Auditor an Compensation of appraisers.

itemized account re-
quired from board.

itemized account of such services and expenditures verified by their oath. Upon the filing of said account said Auditor shall issue a warrant upon the Territorial Treasurer therefor.

itemized account to
be made by sur-
veyors.

SEC. 20. The surveyors herein provided for shall file an itemized account approved and allowed by the commissioners to locate University lands, with the Territorial Auditor who shall thereupon issue a warrant upon the Territorial Treasurer therefor.

Authorized to make
needful rules and
regulations.

SEC. 21. The Chancellor and Board of Regents are hereby given full power and authority to make all needful rules and regulations not conflicting herewith to carry out the purposes of this act.

shall not receive
compensation for
personal services.

SEC. 22. The Board of Regents shall not receive any compensation for personal services, but they may be paid actual expenses incurred in transacting the business.

Appropriation for
expenses.

SEC. 23. There is hereby appropriated from the Territorial treasury the sum of five thousand dollars for the purpose of defraying the expenses to be incurred in carrying into effect the provisions of this act, to be drawn as herein provided and only so much thereof as may be necessary shall be expended.

SEC. 24. This act shall be in effect from and after its approval.

Approved March 10, 1892.

CHAPTER LXIII.

BEFOULING WATERS.

AN ACT to amend Section 2264 of the Compiled Laws of Utah, 1888, Befouling Waters.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That section 2264 of the Compiled Laws of Utah, 1888, be amended by inserting at the end of said section, after subdivision 3, the following subdivisions, to be numbered 4 and 5.

Sec. 4. To dip or wash sheep in any stream, or to construct or maintain or use any pool or dipping vat for dipping or washing sheep in such close proximity to any stream used by the inhabitants of any city town or village, for domestic purposes, as to make the waters thereof impure or unwholesome, or to construct or maintain any corral, yard or vat, to be used for the purpose of shearing or dipping sheep within seven

miles of any city, town or village, where the refuse or filth from said corral or yard would naturally find its way into any stream of water used by the inhabitants of any city, village or town, for domestic purposes.

Sec. 5. To establish and maintain any corral, camp or bedding place for the purpose of herding, holding or keeping any cattle, horses or sheep, within seven miles of any city, town or village, where the refuse or filth from said corral, camp or bedding place, will naturally find its way into any stream of water used by the inhabitants of any city, town or village for domestic purposes.

Approved March 10, 1892.

CHAPTER LXIV.

TERRITORIAL WARRANTS.

AN ACT Prohibiting the Territorial Treasurer Paying and all Tax Collectors Receiving for Taxes, any Territorial Warrants Issued Prior to March 15th, 1890.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the Territorial Treasurer be and he is hereby forbidden to pay, and all tax collectors of this Territory be and they are hereby forbidden to receive as payment for taxes, any Territorial warrants issued prior to March 15th, 1890, except such of said warrants as may have been registered for payment by the said treasurer, prior to the passage of this act.

Territorial treasurer forbidden to pay, and collectors to receive.

SEC. 2. That all persons holding any of such warrants not registered, shall file the same with the Auditor of Public Accounts, with the best evidence obtainable of the indebtedness for which they were issued, and said Auditor shall lay such warrants with such evidence before the next session of the Legislative Assembly, that it may take such action with reference to the same, and the payment thereof as it may deem proper.

May file warrants for action of legislature.

Approved March 10, 1892.

CHAPTER LXV.

POWER OF CITY COUNCIL.

AN ACT Amending Section 1755 of the Compiled Laws of Utah, 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That sub-division 31 of Section 1755 of the Compiled Laws of Utah, 1888, be and the same is hereby amended to read as follows:

31. To permit, regulate or prohibit, the locating, constructing or laying the track of any railroad or tramway in any street, alley or public place; but such permission shall not be for a longer period than twenty-five years.

Limitation for use of streets, etc., by railways and tramways.

SEC. 2. This bill shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LXVI.

BULLS AND COWS RUNNING AT LARGE.

AN ACT Relating to Animals Running at Large Upon the Public Ranges.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That it shall be unlawful for any person or persons to turn loose upon any public range in this Territory more than twenty head of female breeding cattle without placing therewith one bull of one-half blood or more of some recognized beef or dairy breed of stock for every twenty head of female breeding cattle so turned loose upon the public range. All such bulls shall be free commoners.

Bull must be placed with breeding cattle on range.

SEC. 2. Any person or persons violating any of the provisions of this Act shall be guilty of a misdemeanor.

SEC. 3. This Act shall take effect upon approval.

Approved March 10, 1892.

CHAPTER LXVII.

MUNICIPAL CORPORATIONS.

AN ACT to Amend Section 2, Article XVII of "An Act Providing for the Incorporation of Cities," Approved March 8th, 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 2 of Article XVII Chapter XI of the Compiled Laws of Utah of 1888 be amended, so as to read.

Section 2. The boundaries of any municipal corporation may be altered and new territory included therein, after proceedings had as required in this section. The council of such corporation may, upon receiving a petition therefor signed by not less than two fifths of the property owners residing in the territory proposed by such petition to be annexed to such corporation, submit to the electors residing in such territory, the question whether such territory shall be annexed to such corporation and become a part thereof; and such council shall give notice thereof by publication in a newspaper published in such corporation for a period of four weeks; but if no newspaper be published therein, then by posting notices for at least four weeks in not less than four public places in said territory proposed to be annexed. Such notices shall distinctly state the proposition to be so submitted, and shall designate specifically, the boundaries of the territory so proposed to be annexed, and the electors shall be notified thereby to vote upon such proposition by placing upon their ballots the words "For annexation" or "Against annexation." Such city council shall also designate the day and place or places at which the poll will be opened in such territory so proposed to be annexed, which place or places shall be those used for general election purposes within such territory if such there be. The election shall be conducted, the votes canvassed and returns made in the manner prescribed by law, and if it shall show upon such canvass that the majority of all the votes of the resident taxpayers of such territorycast shall be for annexation, such council shall order to be entered upon their minutes, and make a certified abstract of such vote, showing the number of votes cast for annexation, and the number of votes cast against annexation.

It shall be the duty of the person or persons to whom returns of said election are made to file with the Secretary of the Territory the information contained in said certificate. From and after the day of the filing of such abstract, such

Petition for annexation.

Publication.

Election.

When annexation shall be complete.

annexation shall be deemed complete; and thereafter such territory shall be and remain a part of such corporation.

Approved March 10, 1892.

CHAPTER LXVIII.

ASSESSMENT AND COLLECTION OF TAXES.

AN ACT providing for the Assessment and Collection of Taxes in Incorporated Cities, Towns and Villages.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

In 1893 and thereafter assessments of city, town or village shall be made at same time as those for territorial and county taxes.

SECTION 1. In the year 1893 and thereafter the assessments for the taxes of each incorporated city, town and village in the Territory of Utah, shall be made by the county assessor of the county in which such incorporated city, town or village is situate, at the same time that assessments for Territorial and county taxes are made, and the list of the property in each incorporated city, town or village in his county, and the valuation thereof shall be so made by the county assessor that the property in each and the valuation thereof can be separately shown.

County assessor shall deliver to clerk or recorder of each city of third class and incorporated town or village that part of county roll containing assessment in such town or village, and copy to be retained as basis.

SEC. 2. On or before the first Monday of June in each year the county assessor of each county in which there is situated any incorporated city, town or village, shall deliver to the clerk or recorder of each, city of the third class and incorporated town or village a copy of all that part of the assessment roll of the county which contains the assessment of property in such city, town or village, and showing the aggregate valuation of the taxable property in each, which copy shall be retained by said city, town or village as the basis for taxation, as herein provided, until another assessment is made, and to each city of the first and second class a statement showing the aggregate valuation of all the taxable property in such cities.

City council shall determine rate of general city tax.

SEC. 3. The city council of each city of the first or second class shall on or before the first Monday of July in each year, determine the rate of the general city tax, levy the same, and certify the rate and levy to the county clerk of the county in which such city is situate.

County court shall equalize roll of whole county.

SEC. 4. The county court of each county, as a board of equalization, shall equalize the assessment roll of the whole county, including the assessment for general taxes of cities of the first or second class situated in the county, at the times and in the manner provided by law for equalizing assessments for

Territorial and county taxes. The mayor of said city, or a member of the city council thereof appointed by the council, may sit with the county court and be a member of the equalizing board.

Mayor or member of city council may sit with board.

SEC. 5. The general city tax of each city of the first or second class shall be extended on the general roll by the county clerk, in a separate column, at the rate certified by the city council, at the same time the Territorial and county taxes are extended, and the whole taxes shall be carried into a column of aggregates, and the whole taxes including the general tax of cities of the first or second class shall be collected by the county collector at the times and in the manner provided by law for collecting Territorial and county taxes, and the warrant to the county collector shall include such city taxes, and confer on him the same powers respecting the collection of taxes and sale of delinquent property as are conferred respecting the collection of, Territorial and county taxes. *Provided*, The city council may by ordinance provide that the county collector shall receive the receipts of such persons as may be named in the ordinance in lieu of such city tax, and the said collector is hereby authorized to issue his receipt for said city tax upon receiving the receipts provided for in such ordinance.

General city tax shall be extended by county clerk and whole taxes collected by county collector.

SEC. 6. The County Collector of any county in which there is situated a city of the first or second class, in each year, and before the time appointed for receiving or collecting the taxes of the year, shall give to each city of the first or second class, a bond in such sum as the City Council may require, but not exceeding double the amount of the city tax for the year, with at least two sureties, conditioned for the faithful performance of his duties as collector of the city tax, and the bond and sureties shall be subject to the approval of the Mayor or City Council of said city.

County collector shall give bond to city.

SEC. 7. It shall be the duty of the County Collector to pay to the Treasurer of each city of the first or second class, in his county, on the first day of October in each year, and on the first day of each succeeding month until final settlement, all moneys in his hands collected for city taxes, and on or before the first day of March in each year, to make a final settlement with the City Treasurer respecting the city taxes, and pay over all moneys then due the city. The City Treasurer shall give said collector duplicate receipts for each payment, and the collector shall give one to the City Auditor, and the other shall be an acquittance to him in settling with the County Treasurer, to the extent of the payment shown.

County collector shall on first day of each month settle with city treasurer. City treasurer shall give duplicate receipts.

SEC. 8. Each city of the first class shall pay to the county in which it is situated one-half of one per cent, and each city of the second class shall pay to the county one per cent, and such payments shall be in full for the services and

Cities, towns and villages shall pay for services.

compensation of the County Assessor and Collector in assessing, collecting and paying over the city tax, and cities of the third class, and incorporated towns and villages shall pay one per cent, on the taxes collected in such city town or village in full for the services and compensation of the County Assessor in assessing the tax, and preparing the copy of the assessment roll as provided in Section 2 of this act, and the Assessor and Collector shall have no claim against the city therefor.

Special city taxes collected by city treasurer.

SEC. 9. The office of Assessor for each incorporated city, town and village, and the office of Collector in each city of the first or second class is hereby abolished; and special taxes and assessments in such cities of the first or second class shall be collected by the respective City Treasurers, and such special taxes and assessments shall be levied and collected as provided by law and the ordinances of the city, but for the purpose of levying and collecting special taxes in said cities, the City Council may equalize the assessment in the manner provided by law.

SEC. 10. In cities of the third class and in incorporated towns and villages the general taxes of the city, town or village shall be levied and collected upon the assessment made by the County Assessor, in the manner now or hereafter provided by law for such levy and collection, and special taxes shall be levied and collected in the manner and form provided by law and the ordinances of such city, town or village.

SEC. 11. All acts and parts of acts in conflict with the provisions of this act are repealed.

SEC. 12. This act shall take effect on the first day of January 1893.

Approved March 10, 1892.

CHAPTER LXIX.

CITY CHARTERS.

AN ACT to Amend an Act Supplementing and Amending the Charters and Defining, Prescribing and Regulating the Powers, Duties and Government of Cities of the first and Second Class.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 1 of an act to amend an act supplementing and amending the charters and defining, prescribing and regulating the powers, duties and government of cities of the first and second class (Session Laws 1890) be amended as follows:

By inserting in line 55 of said Section 1 after the word "thereon" the following: "*Provided*, That in cities of the first and second class said total costs of the improvements shall become delinquent at such time or times and in such installments, or the entire sum at one time, as the City Council of such city may prescribe:" *Provided* That such entire sum shall not become delinquent in a less time than one year.

SEC. 2. This Act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LXX.

ESTRAYS.

AN ACT providing for the Disposal of Estrays and Animals for Trespass and Damage.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That any precinct of said Territory may, at any general or special election, called for that purpose by the county court thereof, by a vote of the majority of all the taxpayers of said precinct, declare in favor of fencing their farms and allowing their animals to run at large; and in such cases the provisions of this act authorizing the detention and sale of animals for damages shall be inoperative.

Tax payers may declare in favor of fencing and of allowing animals to run at large.

SEC. 2. It shall be the duty of the county court of each county, at its June session in the year A. D. 1892, or as soon thereafter as may be practicable, to declare what shall constitute a lawful fence for that county and the fence viewers of said county shall be governed thereby.

County court shall declare what shall constitute a lawful fence.

SEC. 3. All horses, mules and neat cattle over eighteen months of age found running at large, on which there is no brand, and any hogs running at large on the premises of any person not the owner, are hereby declared to be estrays.

Designation of estrays.

SEC. 4. It is hereby made the duty of the constable of any precinct of any county in this Territory to take up any estrays in said precinct, and, after advertising them by posting notices in three of the most public places in said precinct (giving a general description thereof) for ten days, shall sell the same at public auction, to the highest bidder for cash; and after deducting costs and expenses of keeping and sale, shall deposit the balance of the proceeds of the sale with the justice of peace in and for said precinct, to be by him disposed of

Duty of constable to take up and advertise.

Sale.

as in the case of balance of sale of animals for damages as hereinafter provided. *Provided*, That the constable shall have the power to sell estrays at general "round ups" or drives, and shall advertise his intention to do so for a period of fourteen days previous thereto, in some paper having a general circulation in such county, and he shall receive as compensation fifteen per cent. of the proceeds of such sales.

SEC. 5. If any neat cattle, horses, mules, asses, sheep, goats or hogs shall trespass or do damage upon the premises of any person, except in cases where said places are not enclosed by a lawful fence in counties where a fence is required by law, the party aggrieved may recover damages by an action at law against the owner of the trespassing animals, and no animals trespassing shall be exempt from execution. *Provided*, The fees in such cases shall be but one half the fees in civil cases.

SEC. 6. The owner or occupant of any improved real property may distrain all animals doing damage on such property and keep them in some secure place and properly care for the same or immediately turn them over to the precinct pound-keeper, who shall examine all marks and brands on said animals, and shall notify the owner, if known, and if said owner does not reside within the precinct where said animals are detained, said notice shall be, by registered letter, containing a description of said animals, including all marks and brands, with the amount of damages and costs. If the owner of said animal is not known, the poundkeeper shall examine the Territorial brand sheets, and, if marks and brands are recorded therein corresponding to the marks or brands on said animals, the pound-keeper shall notify by registered letter, the person in whose name said marks and brands are recorded, and if all damages are not paid within two days from the time of taking said animals he shall enter suit in the nearest justice's court for the amount of such damages, costs and keeping, and said justice shall hear and try such cases in the same manner as other civil cases are tried; *Provided*, That service of summons, time and place of trial shall be as now provided by law in civil cases in justices' courts.

SEC. 7. The plaintiff must assess the damages, and if the defendant is of the opinion that the damages claimed are excessive he may, at any time before the trial, tender to the plaintiff the amount he deems reasonable and if the plaintiff does not recover a greater sum than that tendered the costs from the time of the tender shall be assessed against the plaintiff.

SEC. 8. After six months from the date of said sale the net proceeds thereof shall be paid into the county treasury, to the credit of the county school fund; *Provided*, however, That if the owner of said animals shall, within six months from the date of sale, satisfy, by affidavit or otherwise, the magistrate

who heard the case that he was the owner the justice shall pay such net proceeds to such owner. Owner may recover within six months.

SEC. 9. The magistrate shall, at the first session of the County Court after the expiration of six months from the date of the sale, report to the County Court his proceeding therein and the disposition of the proceeds thereof. Magistrate shall make full report to county court.

SEC. 10. The constable in each precinct in every county in this Territory is hereby made the pound-keeper of such precinct, and is entitled to and is made the custodian of all brand books and brand sheets pertaining thereto. Constable is pound-keeper and custodian of brand books, etc., pertaining thereto

SEC. 11. Any person who shall take any animals out of the custody of any person holding them for damages, as provided in this act, or who shall intercept or hinder any person in taking up, or attempting to take up, such animals for doing damage, is guilty of a misdemeanor. Taking of animals being held, or hindering in taking up, a misdemeanor.

SEC. 12. The provisions of this act shall in no way interfere with existing legal rights of incorporated cities and towns in relation to animals running at large. This act does not interfere with rights of cities and towns.

SEC. 13. That Chapter 55, Session Laws of 1890, and all other laws and parts of laws in conflict herewith, be and the same are hereby repealed.

SEC. 14. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LXXI.

WAYNE COUNTY.

AN ACT Creating the County of Wayne, Prescribing Its Boundaries and Appointing County Officers.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That all that portion of the Territory of Utah, embraced within the following boundaries, to-wit: Commencing at a point on the summit of the range of mountains between Grass valley and Rabbit valley, where the summit of said range is crossed by the north boundary line of Piute county, and running thence in a southwesterly direction on said dividing summit to a point where the same is intersected by the line of the Salt Lake meridian; thence south on the line of said Salt Lake meridian to the south boundary line of Piute county; thence east, along said south boundary line, to the center of the main channel of the Colorado river; thence in a northerly

Boundaries,

direction, up the centre of the main channel of the Colorado river and the Green river, to parallel 38 degrees 30 minutes north latitude; thence west, following said parallel, to the dividing line between ranges five (5) and six (6) east of Salt Lake meridian; thence north to the south line of Sevier county; thence due west to the point of beginning, is hereby made and named Wayne county, with the county seat at Loa, and said county is hereby attached to and made a part of the Second Judicial District of Utah Territory.

Jurisdiction in causes of action.

SEC. 2. Causes of action, criminal or civil, now pending in any court which have arisen within the territory described shall be tried and determined regardless of the creation of Wayne county; and any cause of action now accrued, or criminal offense committed before the passage of this bill, within the territory forming Wayne county, where proceedings have not been commenced at the time of the passage of this act, shall be tried and determined in the Second Judicial District, except cases cognizable in justices' courts, which cases shall be tried in said Wayne county.

County officials appointed.

SEC. 3. For the purpose of organizing said county the following officers are hereby appointed: William Meeks, Hiatt Maxfield and Henry Giles, selectmen; John T. Lazenby, county clerk; Matthew W. Mansfield, prosecuting attorney; John H. Curfew, assessor and collector; George Chappell, sheriff; Thomas A. Jeffrey, treasurer; Joseph J. Anderson, superintendent of district schools; Frederick F. Noyes, surveyor; John T. Lazenby, recorder; Charles Snow, coroner. Said officers shall take the oath of office prescribed by law and give bonds in such penal amounts as required by law. They shall hold said offices until the next general election in 1892, and until their successors are elected and qualified. They shall commence the duties of their offices immediately upon qualifying, and the selectmen shall, on or before the first Monday in May, 1892, meet and organize and appoint such officers as are necessary for the complete organization of said county, and the transaction of all business matters therein, who shall, before entering upon the duties of their office, qualify as the law directs. The county court of said county shall prescribe the boundaries of precincts and school district, and exercise all powers and perform all acts as by law provided.

Term of office.

Time of qualification and organization.

County court shall prescribe boundaries of precincts and school districts.

Division of assessment.

SEC. 4. All taxable property within said Wayne county shall be assessed by the assessor thereof, and all property within said county that may have been assessed by the assessor of Piute county for the year 1892, shall, at the meeting of the Board of Equalization of said Piute county, be stricken from the assessment roll.

SEC. 5. Any indebtedness or liability of said Piute county or any surplus funds on hand belonging thereto shall

be borne or divided between the counties of Wayne and Piute in proportion to the assessed value of the two counties; and the present county court of Piute county shall make such division and shall meet for that purpose not later than April 15th 1892.

Apportionment of indebtedness or surplus.

Approved March 10, 1892.

CHAPTER LXXII.

PHYSICIANS.

AN ACT to Regulate the Practice of Medicine.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That, upon the passage of this Act, the Governor of this Territory shall, by and with the advice and consent of the Council, appoint biennially a board of seven medical examiners from the various recognized schools of medicine, who shall hold office for two years, or until their successors are appointed. The examiners so appointed shall go before a District or County Judge, and make oath that they are graduates of legally chartered medical colleges in good standing, and that they will faithfully perform the duties of their office. All vacancies caused by removal, death, resignation or otherwise, shall be filled by appointment by the Governor, within one month from the time that the vacancy shall occur.

Provision for board of medical examiners.

Filling of vacancies.

SEC. 2. Said board shall organize immediately after the passage of this Act by selecting from its members a president, and secretary and treasurer, and shall have a seal and attest its official acts under seal. The president of said board shall have authority to administer oaths, and the board shall take testimony in all matters relating to its duties. Said board shall have the power to issue certificates to all who furnish satisfactory proof of having received degrees or licenses from chartered medical colleges in good and legal standing, and pass a satisfactory examination before said board. Said board shall prepare two forms of certificates, one for persons examined and favorably passed upon by the board, the other for persons as provided for in Section 11 of this Act, and shall furnish to the County Recorder of the several counties a list of all persons residing in said county receiving certificates from the board. Certificates shall be signed by all the members of the board granting them, and shall indicate the medical society from which the board has been appointed.

Organization of board.

Power and duties of board.

Fee for examination
and certificate.

SEC. 3. The fee for the examination and certificate as provided for in Section 2 of this Act shall be twenty-five dollars, which shall be paid to the Treasurer of the Board of Examiners.

Graduates licensed
to practice.

SEC. 4. Graduates of respectable medical colleges who are at this time engaged in actual practice in this Territory shall be licensed to practice medicine under this Act upon presentation of their degree to said board and upon producing satisfactory evidence of the identity of said applicant. The fee for such license shall be five dollars, to be paid to the Treasurer of the Board of Examiners. The secretary of the board shall enter, without fee, upon the register to be kept by him, the names of all persons to whom licenses are issued as physicians and surgeons.

Fee for license

Secretary shall keep
record of names of
persons licensed.

Persons holding cer-
tificates required to
record them.

Requirement to re-
cord certificate in
case of removal to
another county.

SEC. 5. Every person holding a certificate from the said board shall have it recorded in the office of the Recorder of the County in which he resides, within three months from its date, and the date of record shall be indorsed thereon. Until such certificate is recorded as herein provided, the holder thereof shall not exercise any of the privileges conferred therein to practice medicine. Any person removing to another county to practice medicine shall record the certificate in like manner in the county to which he removes, and the holder of the certificate shall pay the recorder the usual fees for recording other papers.

County recorder re-
quired to keep list.

Register open to
public inspection.

Examinations in
writing.

SEC. 6. The County Recorder shall keep in a book provided for the purpose a complete list of the certificates recorded by him, with the date of the issue of the certificate, and if the certificate be based upon a degree and examination, he shall record the name of the medical college conferring the degree and the date thereof. The register of the County Recorder shall be open to public inspection during business hours.

May refuse to issue
certificate.

SEC. 7. Examinations shall be made wholly or partially in writing.

Qualifications for
practice of medicine

Service not prohib-
ited in case of emer-
gency.

SEC. 8. The Board of Medical Examiners may refuse to issue the certificates provided for in this act to individuals guilty of unprofessional or dishonorable conduct, the nature of which shall be stated in writing and it may revoke such certificates for like causes, to be stated in writing.

SEC. 9. Any person shall be regarded as practicing medicine within the meaning of this act who shall treat, operate upon or prescribe for any physical ailment of another for a fee or who shall hold him or herself out by means of signs, cards, advertisements or otherwise, as a physician and surgeon; but nothing in this act shall be construed to prohibit service in case of emergency, or the administration of family remedies, and this act shall not apply to commissioned surgeons of the United

States army in the discharge of their official duties, or to visiting physicians in actual consultation.

SEC. 10. Any person practicing medicine or surgery within the Territory without first having obtained a certificate as herein provided for, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor.

Practice without certificate a misdemeanor.

SEC. 11. All persons not graduates of medical colleges who have practiced medicine ten years continually in this Territory, prior to the taking effect of this act, shall, upon proper application, and payment of the fee for examination as provided for in section 3 of this act, accompanied by a petition signed by twenty-five legal voters, living in the city or precinct where such applicant practices, be admitted to examination before the Board of Medical Examiners, and, if satisfactory, shall receive such certificate, unless it shall be ascertained and determined by the Board of Medical examiners that the person so applying for a certificate is of immoral character, or guilty of unprofessional or dishonorable conduct, in which case said board may reject such application, and, provided, that such application for a certificate shall be made within six months after the taking effect of this act; and all persons holding a certificate on account of ten years practice, shall be subject to all the requirements and discipline of this act in regard to their future conduct in the practice of medicine, the same as all other persons holding certificates. And all persons not having applied for or received such certificates within six months after the taking effect of this act, and all persons whose applications have, for cause herein named, been rejected or certificates revoked, shall, if they practice medicine, be deemed guilty of practicing in violation of law, and shall suffer the penalties herein provided.

Non-graduates may practice after satisfactory examination under certain conditions.

Time for making application for certificate.

Persons prohibited from practice.

Penalty for practice in violation of law.

SEC. 12. All persons practicing obstetrics in this Territory shall, within three months after the passage of this act, apply to the Board of Examiners for a certificate, and after passing a proper examination, shall be entitled to the same upon paying to the treasurer of said board the sum of ten dollars, to be applied toward defraying the expenses of said board. Any person practicing obstetrics within this Territory, without first obtaining the license herein provided for, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor. *Provided*, That all persons who shall furnish to said board satisfactory evidence, by affidavits or otherwise, of having practiced obstetrics previous to the passage of this act shall receive a license without examination upon the payment of a fee of one dollar. Nothing in this section shall be construed to apply to physicians holding certificates in accordance with this act, or to prohibit service in case of an emergency, or to persons practicing obstetrics in communities where there are no licensed practitioners.

Application for certificate and fee therefor.

Practice of obstetrics without license misdemeanor.

Evidence required of having practiced obstetrics.

Board shall meet first Monday in January, March, June and September.

SEC. 13. The Board of Medical Examiners shall meet on the first Monday in January, March, June and September of each year at 10 o'clock a. m., and such other times as the president of the board shall deem necessary. The place of meeting shall be at the Territorial capitol.

Members may be removed for misconduct.

SEC. 14. Any member of said board may be removed from office for misconduct in office by a two-thirds vote of all the members of the board; but no member shall be removed until after he has been given a trial before said board.

SEC. 15. The term "respectable medical colleges" in this act shall include colleges in legal standing of any recognized school of medicine.

Approved March 10, 1892.

CHAPTER LXXIII.

CLERKS OF COURTS.

AN ACT Regulating the Compensation of the Clerks of the Supreme and District Courts in Territorial Criminal Business.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the clerk of the First Judicial District Court at Provo shall receive a salary of four hundred dollars per annum.

SEC. 2. That the clerk of the District Court at Ogden shall receive a salary of five hundred dollars per annum.

SEC. 3. That the District Clerk for the Third Judicial District Court at Salt Lake City shall receive a salary of six hundred dollars per annum.

SEC. 4. That the clerk of the Second Judicial District Court at Beaver shall receive a salary of two hundred dollars per annum.

SEC. 5. That the clerk of the Supreme Court of Utah Territory shall receive a salary of two hundred and fifty dollars per annum.

SEC. 6. That each of the said salaries shall be paid out of the Territorial Treasury, to be drawn quarterly, upon a warrant issued by the Territorial Auditor for such purpose.

Salaries in lieu of fees.

SEC. 7. That the salaries provided for in Sections 1, 2, 3, 4 and 5 of this act shall be in lieu of all fees allowed said clerks in all Territorial criminal cases.

Fees prohibited.

And in no case shall either of said clerks charge any fees, either against the people or the defendant, whether the prose-

cution was brought originally in either of said courts, or brought to said courts by appeal, recognizance or otherwise; nor shall either of said clerks receive or charge any amount whatever, for any purpose, in any case or prosecution mentioned in this section, *Provided*, however, That in all jury cases appealed from a justice's, commissioner's or probate court the clerk of the District Court shall require a deposit fee of three dollars as a jury fund, to be paid by such clerk into the Territorial Treasury in the manner and at the time prescribed by law. Deposit fee required

And such clerks are hereby required to issue process and perform all the duties incident to their respective offices, in such cases, without compensation, except as herein provided.

Any clerk who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor. Violation a misdemeanor.

SEC. 8. All laws and parts of laws, in conflict with the provisions of this act, are hereby repealed.

This act shall take effect from and after the date of its approval; *Provided*, That the salaries herein provided for shall begin on the first day of January, 1892.

Approved March 10, 1892.

CHAPTER LXXIV.

COURT EXPENSES.

AN ACT Providing for the Payment of Jurors, Witnesses and Phonographic Reporters and Creating and Defining the duties of Court Commissioners.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That hereafter and until otherwise provided witnesses for the Territory in criminal cases and jurors in the district courts, shall be paid the sum of two dollars per day for each day's attendance at court and ten cents per mile, one way, when the witness or juror can travel by rail, and twenty cents per mile, one way, when the witness or juror cannot travel by rail for the distance necessarily traveled from his place of residence to the place of holding court, *Provided*, That in no case shall per diem be allowed to any juror for any day when the major part thereof was devoted to the trial of cases under the laws of the United States, and, *provided further*, that when jurors are summoned and render service both for the Territory and the United States, Compensation of jurors. Apportionment of compensation.

one-half only of the mileage of such jurors shall be paid by this Territory.

Clerk of court shall issue certificate.

SEC. 2. The Clerk of the District Court shall, whenever a juror or witness for the Territory is discharged issue to him a certificate under the seal of the court, stating the name of such juror or witness, when and where he was summoned or subpœnaed and the date of his discharge, the place of his residence, the number of miles necessarily traveled from his place of residence to the place of holding court, and the number of days upon which the major part of the time was devoted to Territorial criminal cases and, if a juror, the number of days engaged in civil cases.

Provision for jury fund.

SEC. 3. The plaintiff in each civil action except equity cases, where a jury is not required and the appellant in each civil case appealed to the District Court shall respectively, before his complaint or appeal papers are filed, deposit with the Clerk of said court the sum of three dollars which shall be known and designated as the jury fund. *Provided*, That the term civil action in this Section shall apply to and include all actions where a municipal corporation is a party beneficially interested. *Provided further*, That in case judgment is rendered in favor of such plaintiff or appellant, said amount may be taxed as costs and collected as other costs in the action.

Clerk of district court shall pay into treasury quarterly.

SEC. 4. The Clerk of each District Court shall, on or before the first Monday in June, A. D. 1892, and quarterly thereafter, pay into the Territorial Treasury all sums of money deposited with him under the provisions of this Act, and shall at the same time furnish the Auditor of Public Accounts a statement in writing showing the number of complaints filed and the number of appeals taken to the District Court in civil cases since making his last statement to said Auditor, together with the title of each case.

Clerks shall keep attendance roll showing name of each witness and juror, attendance, travel, etc.

SEC. 5. It shall be the duty of the clerks of the several district courts to keep an attendance roll, in which shall be noted the name of each witness subpœnaed for the prosecution in Territorial criminal cases, the name of each witness subpœnaed for the defendant at the expense of the Territory under order of the court; the name of each juror, when said witness or juror was subpœnaed or summoned, the date of appearance, the date of discharge, each day's attendance, with the date thereof, his place of residence and the number of miles, and how necessarily traveled by said witness or juror from the place of his residence to the place of holding court, and, if a juror, the number of days upon which the major part of the time was devoted to the trial of Territorial criminal or civil cases or investigation of Territorial criminal cases before a grand jury, as the case may be.

SEC. 6. Whenever a grand juror, or witness for the Territory before the grand jury, is finally discharged, the foreman of said grand jury shall furnish the clerk of said court a statement containing the information not a matter of record required in the preceding Section relative to said juror or witness, whereupon the Clerk shall issue a certificate to said witness or juror, as in this act provided, and shall enter the facts not already a matter of record upon such attendance roll and carefully file and preserve the statement of said foreman for reference as hereinafter provided: *Provided*, That in no case shall any grand juror or witness before the grand jury be required to disclose any fact to any Clerk or Court Commissioner except matters relating to his attendance and mileage.

Foreman of grand jury shall furnish statement to clerk of court.

Clerk required to issue certificate and keep record.

SEC. 7. Every witness subpoenaed for the Territory, and every witness subpoenaed for a defendant under order of the court at the expense of the Territory and every juror whether grand or petit, shall report in person daily to the Clerk his attendance at court from the time of his appearance till the date of his discharge, and no per diem shall be allowed for any day upon which attendance is not so reported, except in cases of sickness, while absent from home as such juror or witness, which fact must be stated under oath to the court by the juror or witness, or some person on his behalf cognizant of the facts, whereupon the court shall order the allowance per diem for such number of days as may be just and equitable.

Witnesses and jurors shall report daily in person.

Provided, That in no case shall a juror or a witness receive extra compensation on account of any night session at which any such person may be required to attend or serve.

Jurors or witnesses shall not receive pay for night session of court.

Said statement so made under oath as aforesaid must be filed with the Clerk and preserved for reference as hereinbefore provided.

SEC. 8. No witness for a defendant in a criminal case shall be subpoenaed, paid mileage or per diem by the Territory, except upon an order of the court when said defendant is awaiting trial for a felony or indictable misdemeanor. Said order can only be made upon affidavit made by defendant in person showing:

No witness for defendant subpoenaed paid by territory except on order of court.

First—That said defendant is impecunious and unable to pay the per diem and mileage of said witness.

Second—That the evidence of said witness is material for defendant's defense as he is advised by his counsel, and

Reasons for court subpoenas for witness for defendant.

Third—That said defendant cannot safely proceed to trial without said witness. If said facts are not successfully controverted by the District Attorney or by affidavit of some person cognizant of the facts, the court may issue an order as aforesaid, directing that said witness, if within the Terri-

tory, be subpœnaed and paid per diem and mileage by the Territory the same as witnesses for the prosecution.

Phonographic reporter's fees.

SEC. 9. Hereafter and until otherwise provided, phonographic reporters in Territorial criminal cases shall receive eight \$8.00 per diem for taking testimony and other proceedings of the court in said cases, and ten cents per one hundred words for transcribing the same and shall be paid upon presentation of the certificate of the Clerk of said court as hereinafter provided, *provided*, that in civil cases where the parties so request no reporter shall be engaged. *Provided further* that the reporter shall receive no compensation for services rendered during any night session of the court in any Territorial criminal case.

Clerk shall issue certificate showing time and amount due for services.

SEC. 10. At the close of each term of the District Court, the Clerk of said court shall issue to the phonographic reporter thereof a certificate to be approved by the court, showing the actual number of days said reporter was engaged in taking testimony and other proceedings of the court in Territorial criminal cases, and also the number of folios of such proceedings transcribed by said reporter, together with the amount due for the services so rendered.

Court commissioners and term of office.

SEC. 11. The following named persons are hereby appointed Court Commissioners, whose term of office shall be until the 15th day of April, A. D. 1894, and until their successors are appointed and qualified, to-wit: H. H. Rolapp who shall act as commissioner for the northern division of the First Judicial District; J. R. Twelves, who shall act for the southern division of the First Judicial District; W. H. Bakes who shall act for the Second Judicial District; and G. D. Pyper, who shall act for the Third Judicial District. And, in case of the creation of any other judicial district court, the Governor is hereby authorized to appoint a court commissioner therefor. If, at any time hereafter, the northern and southern sub-divisions of the First Judicial District

In case new districts are created.

Court be separated, then, in that case, the commissioner appointed for the northern sub-division of said First Judicial District Court shall act as commissioner in the district embracing said northern division; and the commissioner hereby appointed to act in the southern division of said First Judicial District Court shall act in the district created out of said last named sub-division. In case of the failure or omission of said persons, or either of them, from any cause, to accept said office, or in case of a vacancy by death, resignation, or from any other cause, in either of said offices, the clerk of the county in which the district court is held shall be the commissioner of said court and qualify as such, as in this act provided for the qualifications of commissioner.

In case of vacancy county clerk may serve as court commissioner.

SEC. 12. Each of said court commissioners within thirty

days after the passage of this act or the county clerk immediately after receiving knowledge that the duties of said office have devolved upon him as in this act provided shall qualify by subscribing to the oath of office and filing a bond in the penal sum of ten thousand dollars, with at least two sufficient sureties, with the Territorial Auditor of Public Accounts which bond must be approved by him.

Court commissioner shall qualify and give bond.

SEC. 13. It shall be the duty of each of said commissioners to examine all court certificates under the provisions of this act presented to him and compare them with the records of the court. He shall have access to all records, papers and statements except indictments or other proceedings before the grand jury touching upon service rendered by jurors, witnesses and phonographic reporters, and may administer oaths or affirmations to the holder of any such certificate, or the person to whom it was issued and examine him regarding the service performed, miles traveled, etc: If the commissioner is satisfied that the service has been performed and the certificates are correct, he shall allow the amount claimed, and if correct shall increase or decrease the sum to the correct amount.

Duties of commissioners.

May administer oaths and affirmations.

SEC. 14. Said commissioners are authorized to draw upon the auditor of public accounts for sufficient amount to pay said jurors, witnesses and phonographic reporters upon presentation of said certificates when audited and corrected as herein provided. *Provided*, That neither of said commissioners shall at any time have on hand more than five thousand dollars for the purposes herein mentioned.

Authorized to draw upon auditor of public accounts.

SEC. 15. They shall keep an accurate account of all moneys drawn by them to whom and when paid and the cause of disbursement, and they shall disburse no money except upon the presentation of said court certificates, and when payment is made thereupon said certificate shall be taken up, cancelled, registered and filed, together with a statement of account, annually with the auditor of public accounts, who shall audit the same and certify to the correctness thereof, and receipt to such commissioner for the same.

Relating to accountability required of commissioners.

SEC. 16. For their services, the said commissioner in the northern division of the First Judicial District Court shall receive a compensation of three hundred dollars per annum, and the said commissioner in the southern division of the last named district court shall receive a like sum per annum; and the commissioner in the Third District Court shall receive a compensation of four hundred dollars per annum, and the commissioner in the Second Judicial District Court shall receive the sum of one hundred dollars per annum, and, in case of the creation of a new district not herein provided for the commissioner, appointed by the Governor as provided in Sec-

Salaries of commissioners.

tion 11 of this act, shall receive a compensation of two hundred dollars per annum. The compensation for all of such commissioners shall be paid by the territorial treasurer upon the warrant of the territorial auditor out of the amount appropriated and set apart in the next section.

SEC. 17. The Territorial Treasurer for the purpose of carrying out the provisions of this act, is hereby required to set apart and reserve in a separate fund to be known as the fund for the payment of jurors, witnesses and phonographic reporters; all moneys appropriated for said purpose, to be paid out only upon the auditor's warrant in favor of said Court Commissioners for the purposes and in the manner provided in this act. *Provided*, the treasurer shall not retain in said fund more than one-half of the money appropriated for jurors, witnesses and phonographic reporters at any one time.

Territorial treasurer shall keep separate fund.

When witness, juror or phonographic reporter shall be guilty of perjury.

SEC. 18. Every witness, juror phonographic reporter, or other person, to whom an oath has been administered under the provisions of this act, who shall state as a fact any matter which he knows to be untrue shall be guilty of perjury.

For false certification clerk of District Court shall be guilty of a misdemeanor.

SEC. 19. Every Clerk of the District Court who shall certify as a fact any matter which he knows to be untrue whereby any witness, juror or phonographic reporter shall be allowed a greater sum than he would otherwise be entitled to under the provisions of this act shall be guilty of a misdemeanor.

Prescribing action for which court commissioners shall be adjudged guilty of a misdemeanor.

SEC. 20. Every Court Commissioner who shall audit any court certificate provided for in this act, and willfully allows a greater or less amount thereon than should be allowed under this act, or who shall require any grand juror or witness before the grand jury to state any fact other than such as relate to the attendance and mileage of such juror or witness shall be guilty of a misdemeanor.

Court officials shall not purchase certificates.

SEC. 21. No person connected officially with either of the district courts of this Territory nor any public officer shall be interested either directly or indirectly, by purchase or otherwise in any certificate issued for the services of jurors or witness under this act, and any person violating the provisions of this section shall be guilty of a misdemeanor.

Certification of court certificates.

Form.

SEC. 22. Whenever any of the certificates of witnesses or jurors designated in this act shall have been examined by a Commissioner of the district where such certificate has issued, and the same having been examined by said Commissioner and approved as in this act provided, such commissioner, when there is no money to pay the same, in his hands, is authorized to indorse upon said certificate the following words: "I hereby certify that I have examined the within certificate and records of the court, and find the same in all respects to be a true, correct and valid certificate for services as a juror or witness, (as

the case may be), and I further certify that the amount of \$..... as shown on the within is correct, and that said certificate and amount are valid for the payment of Territorial taxes. Dated this.....day of..... 18.... :..... Commissioner.”

And, when so certified, such certificate shall be received from the holder thereof as payment of Territorial taxes by any collector of any county in the district where such certificate issued.

SEC. 23. It shall be the duty of the District Clerks of the respective district courts to furnish the Commissioner of the district, without compensation, a certified copy of the roll of witnesses and jurors from time to time, upon a request by said Commissioner.

District clerks shall furnish certified copy of roll.

SEC. 24. Any holder of a witness' or juror's certificate, specified in this act, shall be required to present the same to the Commissioner in the district where such certificate issued, within six months from the date of its issuance, and, in case such certificate be not presented for payment within such date, the same shall be deemed invalid, and payment thereof shall be refused by such Commissioner.

Limitation of certificates.

SEC. 25. It shall be the duty of each Court Commissioner, provided for in this act, to make a careful examination of the books, records and proceedings of the Clerk's office in the district wherein said Commissioner resides, and ascertain therefrom the amount of all fines and penalties collected by such clerks, and report the same semi-annually, beginning on the first day of January, 1892, to the Territorial Auditor.

Duty of Court Commissioners.

SEC. 26. This act shall take effect on the first day of April, one thousand eight hundred and ninety-two.

SEC. 27. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.


Approved March 10, 1892.

CHAPTER LXXV.

WATER RIGHTS.

AN ACT to Amend Section 2788 of the Compiled Laws of Utah of 1888, and to Enact New Sections to be Numbered 2788 a, 2788 b, 2788 c and 2788 d.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

 SECTION 1. That Section 2788 of the Compiled Laws of 1888 be and the same is hereby amended so as to read as follows:

Right of way for
purposes of Irriga-
tion.

Section 2788 s 15. Any person or persons, company or corporation shall have the right of way across and upon public, private and corporate lands, or other right of way, for the construction, maintenance, repair and use of all necessary reservoirs, dams, water gates, canals, ditches, flumes, tunnels or other means of securing, storing and conveying water for irrigation, or for any necessary public use, or for drainage, upon payment of just compensation therefor, but such right of way shall in all cases be exercised in a manner not to unnecessarily impair the practical use of any other right of way, highway or public or private road, nor to unnecessarily injure any public or private property.

SEC. 2. A new section to be numbered 2788a is enacted as follows:

Provision for ap-
praisalment in case
of disagreement.

Section 2788a. In case said lands cannot be obtained by the consent of the owner, or owners, thereof, or a price deemed exorbitant is asked therefor, so much of the same as may be necessary for the construction, maintenance and use of said reservoir, dam, water-gate, canal, ditch, flume, tunnel, or other means of securing, storing and conveying water, may be appropriated as follows: The person or persons, company or corporation shall select one appraiser, and said owner or owners shall select one, and the two so selected shall select a third, all three appraisers to be disinterested resident land-holders in the county in which said lands are situated.

Method of selecting
appraisers.

In case the owner or owners shall from any cause fail, for the period of five days after due notice, to select an appraiser as hereinbefore provided, then it shall be the duty of the appraiser selected by the person or persons, company or corporation proposing to construct said reservoir, dam, water-gate, canal, ditch, flume, tunnel, or other means of securing, storing and conveying water, to select a second appraiser, and the two so selected shall select a third; and in either case the three appraisers selected shall, within five days after their selection, meet, and, after carefully viewing the land so to be appropriated, and hearing the proofs and allegations that may be offered by the respective parties, are any one of them, making due allowance for real benefits or advantages which such owner or owners may derive from the construction of said works, appraise said lands or determine the amount of compensation, if any, to be paid to said owner or owners for the right to construct, maintain and use said works, or any one of them, after having been first duly sworn by some officer entitled to administer oaths to faithfully and impartially perform their duties as said appraisers, and make a true and just award according to the best of their knowledge and ability. Said ap-

praisers shall, within five days after meeting, subscribe a certificate of their award, ascertainment or appraisal, which shall be recorded in the office of the County Recorder of the county in which said lands are situated. Duty of appraisers.

If such person or persons, company or corporation shall tender to such owner or owners the appraised value of said lands, or the amount of compensation, if any, to be paid to said owner or owners, they shall be entitled to proceed in the construction of said reservoir, dam, water-gate, canal, ditch, flume, tunnel or other means of securing, storing or conveying water, notwithstanding such tender may be refused; *Provided*, that such tender shall always be kept good by such person or persons; *and, provided further*, that an appeal may be taken, by either party, from the findings of the appraisers, to the district court of the district within which the lands so appropriated shall be situated, at any time within ten days after such appraisal, by giving bonds in double the amount of said award or appraisal. Said person or persons, company or corporation shall have the right to proceed with the construction of such reservoir, dam, water-gate, canal, ditch, flume, tunnel or other means to secure, store and convey water, pending such appeal. Appeal may be made to district court by giving bond.

SEC. 3. A new section to be numbered 2788b is enacted as follows: Section 2788b. Any person or persons, company or corporation constructing a canal or ditch through the lands of others, and those succeeding to the interests of such person or persons, company or corporation, must keep such canal or ditch in good repair, and are liable to the owners or claimants of the lands crossed by such canal or ditch for all damages occasioned by the overflow thereof, or resulting from any accident (unless the same be unavoidable) to such canal or ditch. Liability for Damages.

SEC. 4. A new section to be numbered 2788c is enacted as follows: Section 2788c. When any person or persons, company or corporation desire to convey water for irrigation, or for any other beneficial purpose, and there is a canal or ditch already constructed that can be enlarged to convey the required quantity of water, then such person or persons, company or corporation, or the owner or owners of the lands through which a new canal or ditch would have to be constructed to convey the quantity of water necessary shall have the right to enlarge said canal or ditch already constructed by compensating the owner or owners of the canal or ditch enlarged, or to be enlarged, for the damage, if any, caused by said enlargement, said damage to be ascertained in the same manner as is provided in section 2788a of this act, for right of way for canals and ditches; *provided*, that said enlargement is to be done at any time from the first day of September to the first day of March, or at any other time that may be agreed upon with the owner or owners of said Right to enlarge canal or ditch.

canal or ditch. This section is to be construed to prevent making unnecessary new cuttings, canals or ditches through the lands or property of others.

How notice may be given of intention to construct or enlarge canal or ditch.

SEC. 5. A new section, to be numbered 2788*d*, is enacted as follows: Section 2788*d*. In giving the notice required in this act, it shall be sufficient in the presence of witnesses, or in writing, to notify the owner or owners of said lands, or if said owners be an unincorporated company, such notice may be given to any one member of the firm, or if a corporation, to the president, secretary, a director, trustee or other officer of said corporation. *Provided*, That if said owner or owners are not residents of the county in which said lands are situated, such notice shall be given to a superintendent, foreman, overseer or other agent or employee of said owner or owners, if any such agent or agents of said owner or owners be known to the collector of county taxes of said county; or such notice may be mailed to any place in the United States, where said owner or owners are or were last known to reside or to have an office, five days to be added to twice the time necessary for said notice, in due course of mail, to reach its destination.

SEC. 6. This act to take effect from and after its approval.
Approved March 10, 1892.

CHAPTER LXXVI.

SCHOOL LANDS.

AN ACT to Provide for Leasing School Lands and Prescribing Rules and Regulations Governing the Same.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

County court has power to lease school lands.

SECTION 1. That the county court of each county of the Territory of Utah is constituted a board and is empowered to lease, upon the giving of a bond as required in Section 18, of this act, for the benefit of the public schools of said Territory, the lands which, under Section 15 of the Organic Act of the Territory of Utah and Section 1946 of the Revised Statutes of the United States, have been reserved for the purpose of being applied for the schools of said Territory. But no lease is to be made for a period exceeding three years.

Lease in two classes.

SEC. 2. Leases will be divided into two classes, namely: Agricultural and grazing.

SEC. 3. The value of lands to be leased shall be ascer-

tained as set forth in the following blank form of application Value of lands.
for lease:

Territory of Utah.....County, postoffice of
applicant..... Date..... 18....

To the Honorable County Court of.....
County :

Gentlemen—I desire to lease the land described in this
application, and I agree to pay the sum of five per centum of
the value established by the board as annual rental in advance.

NAME OF OCCU- PANT OR OWNER OF IMPROVEMENT.	Value of Improve- ment.....	Price Per Acre.....	Range.....	Township.....	Section.....	Sub-division of Sec- tion.....	Number of Acres.

Form of application

Applicant will answer briefly the following questions, and
the answers will be considered a part of the application:

Questions for appli-
cant to answer.

For what purpose is the land wanted ?

Is any person living on the land ?

If so, who and how long ?

Are there improvements of any description on the land ?

If so, give name of owner and description of improve-
ments.

State value of same on each government forty-acre tract,
and describe them.

Is there any timber on the land ?

If so, what kind and quality ?

If it can be irrigated, state source and condition.

If so, how many acres, and on what government forty-acre
tract situated ?

Does it contain stock water ?

If so, give a full description of the same.

Is any portion of it natural hay land ?

If so, how many acres and on what government forty-acre
tract situated ?

Describe the general character of the land, locate build-
ings, fences and other improvements, with tracings of streams,
springs, etc., on section diagram.

If the information given herein shall not be satisfactory to
the county court, they shall have the right to appoint a Board
of Appraisers, or in any other manner to ascertain the true
If information be
unsatisfactory coun-
ty court may ap-
point appraisers.

value of the land. The expenses accompanying such ascertainment of the true value, to be paid by the applicant, who must deposit with the county court, with his application, the sum of twenty dollars, to cover such expenses, but in case the information shall be deemed sufficient, then the twenty dollars shall be refunded if the applicant shall perfect the lease within thirty days after notice of acceptance of application; but a failure to perfect the lease within the thirty days shall work a forfeiture of the twenty dollars to the school fund of the county.

Name of applicant.....

I, do solemnly swear (or affirm) that the answers to questions in the foregoing application are true to the best of my knowledge and belief, so help me God.

Form of oath of applicant.

Subscribed and sworn to before me this.....day of A. D. 18.....

SEC. 4. The rental value shall be five per centum per annum of the ascertained and appraised value of lands, and all fractional parts of a year shall be paid for at the rental value as for a whole year. *Provided*, That the improvements placed by any settler or occupant shall not be taken in consideration in fixing the appraised value of said land.

Resident or occupant shall have preference right.

SEC. 5. The resident or occupant possessing or controlling, in any way, the land shall have the preference right to lease at the rental value, which shall be established.

In cases where more than one person has settled on same land, &c.

SEC. 6. In cases where more than one person are settled or living on the section, each shall have the preference right to the quarter section subdivision, more or less, on which he is residing prior to the taking effect of this act.

County court to act in determining lines and settling disputes.

SEC. 7. In cases where legal subdivision lines could not apply in determining the prior rights of settlers on any section, or in all cases of conflicting interests on the same, it shall be the duty of the county court to act as a board, or appoint three persons, who shall be absolutely disinterested, to act as a board to settle and define the rights and interests of all the settlers who may desire to lease. The board may require the services of the county surveyor in all such cases, and the decisions of the boards of arbitrators shall be final, after filing the proceedings in the office of the county clerk.

Failure of occupant to lease involves forfeiture.

SEC. 8. In case the occupant, resident, or person controlling the land, fails, refuses or neglects to lease, according to the rental value established, then such land shall be placed on the same levy with those lands unoccupied or unclaimed by possessory right.

SEC. 9. Parties claiming possessory rights who fail, neglect or refuse to lease at the rental value established, shall

have sixty days to move away and to remove their improvements, consisting of houses, barns, fences, etc.; but all water ways of every description and dams, reservoirs, ditches, flumes, etc., shall not be disturbed, removed, destroyed, or in any way impaired in value. And, in case such person, claiming possessory rights, shall neither lease, nor vacate the premises and give up the land, open, free, and untrammelled, but shall continue to use and utilize the same, either directly or indirectly, it shall be the duty of the county court to immediately take the proper legal steps to have said party or parties removed from the lands, and to recover such damages for mesne profits as may have been sustained.

Parties claiming possessory rights and failing to lease shall have sixty days to remove, &c.

On failure to remove county court may take legal steps in case of more than one applicant for same land.

SEC. 10. In case there shall be more than one applicant for the leasing of any other lands at the established rental value, then the lands shall be subject to lease to the highest bidder, upon due notice by letter to the parties in interest, that such public leasing shall take place on the first Tuesday in the succeeding month, at 12 o'clock noon, at the office of the county court; *Provided*, that notice must be given the parties in interest at least twenty days prior to the public leasing.

If more than one applicant, lands shall be leased to highest bidder.

SEC. 11. It shall be the duty of the respective county courts, upon receipt of the rules and regulations for their government in the leasing of the school lands, to immediately advertise in some newspaper having general circulation in the county once each week for four consecutive weeks that all the school lands in their respective counties will be leased by them upon application; and the board will furnish all necessary blanks. All applications must be filed with the county court on or before 12 o'clock, noon, on the first Monday in each month, and be by the board considered and acted upon as soon as the rental value shall have been determined and established, which shall be without unnecessary delay thereafter.

Advertisement of proposal to lease.

Board shall furnish blanks.

Time of filing application.

SEC. 12. It shall be the duty of the respective county courts to cause to be printed immediately the rules and regulations governing the leasing of the school lands and immediately have such rules and regulations conspicuously posted up in at least three prominent places in the court house; and also to furnish the respective school boards of each school district with at least three copies of such rules and regulations, to be posted up in at least three prominent places in each school district.

County courts must cause to be printed rules and regulations and have same posted; also supply school boards with copies.

SEC. 13. In case any person claiming possessory rights over any school lands, shall fail, refuse or neglect to lease the lands at the established rental value, he shall have the right to rent his improvements to the person leasing such lands, within the sixty days given for removing such property. But in case such person claiming possessory rights, shall neither remove his property nor sell to the party leasing them, it shall be the duty of the county court to proceed by law to dispossess said

Persons claiming possessory rights shall have right to rent improvements to lessee.

County court shall dispossess.

party and collect, such damages as may have been suffered, said damages and costs to become a lien on the houses, barns, fences etc., on the lands.

Lessee shall have preference of right to re-lease.

SEC. 14. At the expiration of any lease, the lessee shall have the preference right to release at the then established value; *Provided*, he shall have lived up to all the obligations and requirements of the expiring lease.

Leases shall be made in duplicate.

SEC. 15. All leases shall be made in duplicate, one to be kept on file in the office of the County Clerk and one to be furnished the lessee.

County court shall keep separate record; open to inspection.

SEC. 16. The county court of each county shall keep a record of all the proceedings connected with the leasing of the school lands, separate and apart from the ordinary proceedings of the court; and such records shall be open at all times to the inspection and examination of any taxpayer.

Shall become a part of Territorial school fund.

SEC. 17. All money received under this act shall become a part of the Territorial school fund and shall be paid into the Territorial treasury for that purpose.

SEC. 18. The following form of bond shall be executed in double the amount of the annual rental value, and be filed with and become a part of the leases:

BOND OF LESSEE OF SCHOOL LAND.

Form of bond for lessee of school land

Whereas,.....did, on the.....day of.....A. D. 18....make application to "the county court" of.....county, Utah, to lease, for the benefit of the school fund of said county, the following described land, situated in.....county, Territory of Utah, until January 1st, 189... at and for the yearly rental of the sum of.....dollars per annum, payable in advance, "that being not less than five per cent of the appraised value thereof," to-wit:

Acres.	Part of Section.	Section.	Township.	Range.

Containing, according to the United States surveyacres, be the same more or less; now therefore, know all men by these presents, that we,as principal, andas sureties, of the county of....., and Territory of Utah, are held and firmly and bound unto the county of....., in the sum of.....dollars, lawful

money of the United States, to be paid unto the county aforesaid, which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals on this, the.....day of....., one thousand eight hundred and..... The condition of the above obligation is such that if the above bounden....
 , executors administrators or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and agreements, and each and every of them and every part thereof, on.....
part to be performed, which are contained in a certain indenture of lease, bearing even date with the above application, entered into between the county court of the county of.....Utah, party of the first part, and the said....., party of the second part, covering the above described lands and shall not permit any loss, nor commit, nor cause to be committed, any waste in, to or upon said premises, or any part thereof, and will not cut or waste, or allow to be cut or wasted, any timber or standing trees that may now be upon said described premises and shall surrender said premises at the expiration of the term of said lease, then the above obligation shall be void; else to remain in full force and virtue.

Witness.....

..... [SEAL.]
 [SEAL.]

SEC. 19. The County Court within their respective counties, may make such rules and regulations for carrying out the provisions of this act, as are not in conflict with said act.

Approved March 10, 1892.

CHAPTER LXXVII.

GAME.

An Act to amend Section 5, Chapter LIX of the Session Laws of 1890, "An act for the protection of Game and Birds."

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 5 of Chapter LIX of the Session Laws of 1890 of Utah Territory, be, and the same is, hereby amended by inserting, after the word "kill," in line 7, the words "or shoot at."

SEC. 2. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LXXVIII.

SPECIAL SCHOOL TAX.

AN ACT for the Relief of School Districts Who Have Failed to Levy a Special School Tax.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah.

SECTION 1. That all school districts, which failed to levy a special school tax during the year ending December 31st, 1891, for the purpose of building or for other school purposes, may levy such tax, in the manner provided by law, if levied before the 30th day of April, 1892, and such tax shall be collected at the same time and in the same manner as though it had been levied in the year 1891.

May levy tax before
April 30, 1892.

SEC. 2. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LXXIX.

TERRITORIAL INSTITUTIONS.

AN ACT to Require the Governing Boards of Territorial Institutions to Make Property Reports.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah :

SECTION 1. The governing board by whatever name, it may be known or called, of each public institution of this Territory which is maintained in whole or in part by the Territory, whether such institution is governed directly by and under the laws of the Territory, or as a public corporation organized under the laws of the Territory, shall make, and file with the Auditor of Public Accounts, a complete inventory and valuation of all property real and personal in the possession of said institution, and owned either by the Territory or by said institution as a public corporation, on or before the expiration of three months from the date of the approval of this act, and shall make, and file in the office of said Auditor, a like inventory and valuation on or before the 1st day of January 1894, and biennially thereafter.

Requiring inventory
and valuation from
governing boards of
public institutions.

Valuation shall be
estimated at cash
value.

SEC. 2. The valuation of the property shall be estimated by the governing board of each institution at the cash value thereof, as near as may be, at the time the first report is made,

and thereafter the valuations shall be made as of 1st day of January 1894, and biennially thereafter.

SEC. 3. The Auditor of Public Accounts shall record said reports in a suitable book to be provided for that purpose, and properly index the book for convenient reference, and biennially tabulate therefrom and report to the Legislature, the value of all the property of the Territory as shown by said reports.

Auditor of public accounts shall keep record of reports.

SEC. 4. Said reports to the Auditor may be signed by the chief executive officer and secretary of each of said institutions or public corporations, and if said officers shall neglect or refuse to make said reports, the officer or officers so refusing or neglecting shall each be liable to a fine of one hundred dollars.

Refusal or neglect to make reports shall subject officials to fine.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LXXX.

SCHOOLS.

AN ACT to Provide for a Uniform System of Free Schools Throughout Utah Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah.

ARTICLE I.

SECTION 1. That the Commissioner of Schools within and for this Territory shall receive an annual salary of fifteen hundred dollars, and his necessary expenses when traveling on official business, to an amount not exceeding five hundred dollars per annum.

Salary of commissioner of schools.

SEC. 2. The Commissioner shall be charged with the administration of the system of public instruction and a general superintendence of the business relating to district schools of the Territory, and of the school revenues set apart and appropriated for their support. He shall apportion to the several counties, on or before the thirty-first day of December of each year, the amount of money to which each county is entitled and which has been paid into the Territorial Treasury, under the provisions of this Act, according to the number of persons between the ages of six and eighteen

Commissioner shall apportion to each county amount of money to which it is entitled.

years, residing in such county, as shown by the last school census lists of the several counties, and on or before the 31st day of March of the year following make the final apportionment of all the moneys to which each county is entitled, in the same manner and on the same basis, and immediately furnish to each County Treasurer and County Superintendent an abstract of such apportionment. He shall also certify such apportionment to the Territorial Auditor, and, upon receiving such certificate, the Auditor shall forthwith draw his warrant on the Territorial Treasurer, in favor of the County Treasurer of each county for the amount due said county.

SEC. 3. He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports, and the necessary blanks therefor, school registers, and all necessary instructions for the organization and government of district schools, and conducting all necessary proceedings under this Act. He shall print and circulate a summary of his opinions and rulings. The cost of such blank forms, school registers, and the summary of his opinions and rulings shall be paid out of the Territorial school fund, and the vouchers therefor shall be certified to by the Commissioner, and filed with the Territorial Auditor, who shall draw his warrant on the Territorial Treasurer in favor of the person to whom said amount is due. He shall visit each county in the Territory at least once in each year, and may examine the Auditor's books and records relative to school revenues. He shall meet with such school officers as may attend his appointment, advising with the teachers, and lecturing to institutes and public assemblies upon topics calculated to promote the interests of education.

SEC. 4. He shall advise with the County Superintendents upon all matters involving the welfare of the schools. He shall, when requested by superintendents or school officers, give them written answers to all questions concerning the school law.

SEC. 5. During the first week of the regular session of the Legislature, said Commissioner shall present to the Governor and Legislative Assembly a biennial report of his administration of the system of public instruction. He shall cause one thousand copies of his report and the laws relating to schools to be printed in pamphlet form and distribute them to school officers and schools. For the expense of printing as provided for in this section, a biennial appropriation of four hundred dollars, or so much thereof as may be necessary, is hereby ordered to be paid out of the Territorial Treasury as in other cases. The Commissioner in his report shall furnish a brief exhibit:

First—Of his labors, the results of his experience and observations as to the operation of said system, and suggestions as to the remedy for imperfections.

Shall prepare and transmit to proper officers forms and regulations for reports.

Cost of to be paid out of territorial school fund.

Shall visit each county at least once a year.

Shall advise with county superintendents.

Shall present to Governor and Legislature biennial report and cause school law to be printed and circulated.

Commissioner's report shall contain.

Second—Of the amount of school revenue and its general condition as to sufficiency or insufficiency.

Third—Of such plans as he may have matured for the better organization of the schools, and for the increase and economical expenditure of the revenue for tuition.

Fourth—A comparison of the results of the two years then closing, with those of the years preceding, indicating the progress of public instruction; and, as far as can be ascertained, the number and condition of private schools, academies and colleges in the Territory.

Fifth—A full statement of the condition and amount of all funds and property appropriated for the purpose of education; the number and grade of schools in each county, the number of children in each county between the ages of six and eighteen years, the number of such attending district schools, the average number of children that have attended district schools during the two school years previous to July 1st of that year, the number that can read and write, the amount of school money raised by county taxation or otherwise, the amount expended for salaries of teachers, and for building school houses.

SEC. 6. He shall append to his report such information relative to the system of public instruction—the schools, their annual revenues, and such other matters. He shall include in his report statistical tables compiled from information transmitted to his office, with summaries, averages and totals appended thereto; also a statement of the annual collections of school revenue, and his apportionment thereof; and when he deems it of sufficient interest, he shall append extracts from the correspondence of school officers, showing either the salutary or defective operation of the system. He shall furnish the United States Commissioner of Education at Washington such information as that officer may require. The Commissioner of Schools may appoint a deputy, who shall be a graduate of some good school or a practical teacher of not less than four years' experience, for whose official acts and compensation he shall be responsible.

Shall append to report and include statistical tables.

Shall furnish U S Commissioner such information as he may desire.

Commissioner may appoint deputy.

SEC. 7. At the end of every three months he shall file with the Territorial Auditor an itemized account of his expenses, verified by his oath. The auditor shall examine the same, and, if the account is correct, he shall issue a warrant to the Territorial Treasurer for the amount due on such account, and for one-fourth of the Commissioner's annual salary. *Provided*, at the last quarterly report of each year, he shall, before receiving his salary, file with the Auditor his affidavit showing what counties he has visited according to the provisions of this act. Fifty dollars shall be deducted and withheld from his salary for each county not so visited. At the expiration of his

Shall file account of expenses.

Fifty dollars shall be withheld for each county not visited.

term of office he shall deliver to his successor all books, records, documents, maps, reports, papers, and other articles pertaining to his office.

ARTICLE 2.

COUNTY SUPERINTENDENTS—(See Section 50.)

Election and term of office. SEC. 8. At the general election for the year 1893, and biennially thereafter, there shall be elected for each county in this Territory a County Superintendent of District Schools, who shall be a registered voter therein, and whose term of office shall be two years and until his successor is elected and qualified. Before entering upon the duties of his office, the Superintendent shall qualify by taking and subscribing an oath of office and giving a bond for the faithful discharge of his duties, in the penal sum of one thousand dollars, with sureties to be approved by the Probate Judge of the county, which oath and bond shall be filed with the Clerk of the County Court, and the said Superintendent shall be commissioned by the Governor. *Provided*, That voters residing within the limits of school districts provided for in Article XV of this act shall not be permitted to vote for the election of County Superintendents.

Oath and bond. SEC. 9. The County Superintendent shall have the general superintendence of all district schools in his county, except the district schools provided for in Article XV of this act.

Shall have general superintendence. SEC. 10. It shall be the duty of every County Superintendent to ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the County Court, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall immediately report the fact to the County Court, who shall change said boundaries so as to make them harmonize.

Shall ascertain whether boundaries are plainly described and keep at office correct transcript. SEC. 11. He shall visit every district school under his supervision within the county at least twice in each school year, and oftener if necessary to increase its usefulness. He shall at such visits carefully observe the condition of the school, the mental and moral instruction given, the methods employed by the teacher and the progress of the pupils. He shall advise and direct the teachers in regard to the instruction, classification, government and discipline of the school and prescribe the course of study. He shall keep a record of such visits and by memoranda indicate his judgment of the teachers' ability to teach and govern, and the conditions and progress of school, which information shall be used for or against teachers at the time of their examination for certificates.

Shall visit every district twice each year and keep record of all visits.

SEC. 12. He shall keep a record of all his official acts, Shall keep record of all official acts. preserve all books, maps, charts and apparatus belonging to his office, file all reports and statements from teachers and school trustees and deliver them to his successor in office.

SEC. 13. The County Superintendent may arrange for meetings with school officers at designated times and places, May arrange for meetings with school officers. due notice of which shall be given, for the purpose of inspecting the district records, insuring their accuracy and instructing in the manner of keeping the same and of preparing the reports of district officers.

SEC. 14. He shall decide all controversies, pertaining to discipline, arising in the administration of the school law in his county or appealed to him from the decision of school trustees. Shall decide controversies.

SEC. 15. The County Superintendent shall have power to administer oaths of office to all subordinate school officers and witnesses, and examine them under oath, in cases that may come before him for investigation, but he shall not receive pay for administering such oaths. Power to administer oaths.

SEC. 16. He shall see that the pupils are instructed in the several branches of study required by law to be taught in the schools as far as they are qualified to pursue them. Shall see that pupils are instructed as required by law. If any teacher neglect or refuse to give instruction on any subject required by law the County Superintendent shall promptly report the fact to the county board of examiners, who, after due examination and inquiry, may revoke such teacher's certificate and cause him to be discharged.

SEC. 17. On or before the 31st day of August in each year he shall make and transmit to the Territorial commissioner an annual report containing such statistics as may be required by this act; such report shall be made upon and conform to the blanks furnished by said commissioner for that purpose. He shall not receive any compensation for the last quarter in his official year until he presents to the county court the Territorial commissioner's receipt for such report. Shall report to Territorial commissioner.

SEC. 18. The County Superintendent shall be paid four dollars per day for each day's service rendered and ten cents a mile for the distance actually and necessarily traveled by him in the discharge of his official duties. At the end of each three months he shall make and present to the county court an itemized statement, verified by him, showing the number of days actually and necessarily spent in the discharge his official duties, and the distance so traveled; which statement shall be audited, and, if found correct, said court shall order the same paid out of any county school fund, upon warrant of the County Superintendent. Pay for services and mileage.

SEC. 19. The County Superintendent may appoint a

May appoint deputy deputy, who shall be a registered voter, and for whose official acts and compensation he shall be responsible.

SEC. 20. The County Superintendent shall annually hold a teachers' institute for the instruction of teachers, and those who desire to teach, and procure such assistance as may be necessary to conduct the same. Said institute shall be held at such times as the district schools in the county are generally closed, and it shall be the duty of the county superintendent to see that all teachers in his county are notified of the time and place of holding the same. Such institute shall hold a session of not less than two nor more than ten days. The actual expense of holding the institute, which shall not exceed one hundred dollars in any one year, shall be paid out of the county school fund, upon the warrant of the county superintendent, accompanied with vouchers showing to whom and for what purpose the money was paid. Union institutes may be held by two or more counties, with an additional expense of not more than fifty dollars for each additional county represented, the whole expense thereof to be divided equally among the counties so represented; *Provided*, That institute meetings held once or twice a month during each year shall be equivalent to the institute mentioned in this section.

ARTICLE III.

EXAMINATIONS AND CERTIFICATES.

SEC. 21. The county board of examiners shall consist of the county superintendent, who shall be the chairman, and two competent persons, registered voters resident in such county, who shall be appointed by the county court, for a term of two years. The county court shall determine the compensation of the two examiners thus appointed, and shall have power to remove them, or either of them, for misconduct or inability, and to fill any vacancies occurring in the office of either of the said two appointees. The two appointees shall be paid for their services from the county school funds, upon the warrant of the county superintendent.

SEC. 22. The county board of examiners shall hold teachers' examinations during each year, at such times as the chairman may direct. If from the percentage of correct answers required by the rules, and other evidences disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's experience as a teacher, the applicant is found to be a person of good moral character, and to possess such knowledge and understanding, together with aptness to teach and govern as will enable the

applicant to teach in district schools of the Territory the various branches required by law, said board of examiners shall grant to such applicant a certificate of qualification.

Certificates of qualification for teachers.

SEC. 23. Certificates of qualification shall be of three grades: The first grade Territorial certificates which may be issued by the commissioner of schools on the recommendation of county examiners for a term of five years, to persons of not less than five years experience as teachers, and which shall be valid in any county in the Territory, the second grade for a term of two years, the third grade for a term of one year, according to the ratio of correct answers to questions asked of each applicant, and other evidences of qualification appearing from the examination. No certificate shall be granted unless the applicant be found proficient in and qualified to teach the following branches of common English education, viz: Pedagogics, reading, writing, spelling, English grammar, geography, United States history, arithmetic, physiology and hygiene; and for a first grade certificate a candidate must pass, in addition to the foregoing, a satisfactory examination in civil government, physical geography, elements of natural philosophy, elementary algebra and bookkeeping. The percentage required to pass any branch shall be prescribed by the Board of Examiners. In addition to these regular grades of certificates, the county superintendent may grant temporary certificates, valid until the next regular meeting of said board, but in no case shall such certificates be granted to the same person more than once, *Provided*; certificates may be issued for one year by the Board of Examiners to teachers of special branches.

Percentage required to pass prescribed by board.

SEC. 24. No certificate or permission to teach shall be issued to any person under eighteen years of age; and no first nor second grade certificate shall be issued to any person who is under twenty-one years of age, and no second grade certificate shall be issued to any person who has not taught successfully ten school months. The certificates issued by a county board shall be valid only in the county where issued; *Provided*, That a second grade certificate shall be valid in any other county in the Territory when endorsed by the superintendent of that county. No person shall be employed or permitted to teach in any of the district schools of the Territory, who is not the holder of a lawful certificate of qualification. *Provided*, That all normal diplomas issued after the passage of this act by the University of Utah shall entitle the holder to a third grade certificate. Any contract made in violation of this section shall be void.

Age of persons to whom certificates shall be issued.

Normal diploma shall entitle holder to third grade certificate.

SEC. 25. All boards of examiners are authorized and required to revoke, for immoral or unprofessional conduct or evident unfitness for teaching, any certificate granted by them.

ARTICE IV.

SCHOOL DISTRICTS.

Every district a corporation.

SEC. 26. Every school district now or hereafter created shall be and is hereby constituted a district corporation to be designated as _____school district of _____county, Territory of Utah, with its proper name inserted in the blank before the word school, and the proper name of the county inserted in the blank before the word county, and in its own proper name as such corporation may sue and be sued, contract and be contracted with and it may acquire, purchase, convey and hold real and personal property for school purposes.

SEC. 27. Each county and city, unless subdivided by proper authority, shall form a school district.

County court may create school districts.

SEC. 28. The county court of any county may create into a school district any territory not already so created, or may create a district out of a part or parts of one or more districts upon being petitioned to so do, by so many residents of such territory as have the care and custody of not less than twenty school children of school age residing therein, or upon the recommendation of the county superintendent. The county court may, change the boundaries of, divide and consolidate existing school districts. Whenever the County Court of any county shall divide, consolidate or change the boundaries of existing school districts, such court shall have power, as an incident to such division, consolidation or change, to equitably adjust the property rights and burdens of the several districts affected thereby, by apportioning existing school property and debts and by modifying or re-apportioning taxes already voted, in such manner as the justice of the case shall in the opinion of such court demand. To accomplish such adjustment the county court may direct special taxes to be levied and collected on particular areas of districts so changed.

Also may change boundaries and divide—

And direct levy of special taxes.

County court may divide into districts any new county created—

SEC. 29. In any county hereafter created, the county court thereof shall so divide the county or any part thereof, which has residing therein not less than twenty children of school age into school districts, as will best promote the permanent interests of the district schools in the county, upon the same petitions and subject to the conditions and restrictions provided in Section 28 of this act.

And appoint trustees for each of such districts.

Sec. 29a. Whenever any new districts shall be created by a county court, said court shall forthwith appoint three trustees of said district, who shall be qualified electors therein, to serve until the next ensuing regular election for trustees.

ARTICLE V.

ELECTION OF SCHOOL TRUSTEES.

SEC. 30. On the Tuesday next after the first Monday in November, 1892, there shall be elected by the registered voters residing in each school district, except in school districts provided for in Article XV of this act, three school trustees, to serve for the term of one year, and until their successors are elected and qualified. On the Tuesday next after the first Monday in November, 1893, and biennially thereafter, there shall be elected by the registered voters residing in each school district, except in school districts provided for in Article XV of this act, three school trustees, to serve for the term of two years, and until their successors are elected and qualified. Said trustees shall qualify by taking and subscribing the oath of office, and giving bonds to the County in which they reside, in such sums and with such sureties as the Probate Judge of the County or a Justice of the Peace of a precinct wherein some portion of said school district is situated, may approve, conditioned for the faithful discharge of the duties of their office; said oath of office and bonds shall be filed with the clerk of the County Court. The ballots used at such election shall state the names of the persons and the length of the term voted for.

Date of election and term of office.

Trustees shall qualify and give bonds.

Ballots to be used shall state.

SEC. 31. The trustees, or any two of them, whose official bonds have been approved, shall constitute a quorum for the transaction of business. They shall meet and organize on or before the second Monday in January in each year, by appointing one of their number chairman, another clerk and another treasurer, and shall at once notify the County Superintendent of such organization. Said trustees, when thus organized, shall constitute the district school board. The District Treasurer shall give bond to the district with sufficient sureties and for a sufficient amount to be approved by the Board of Trustees and filed with the County Clerk.

Meeting and organization of board.

SEC. 32. Meetings for the election of trustees, for voting on the rate per cent of taxes to be assessed, and on the question of issuing bonds, shall be called by the trustees, causing notices to be posted in at least three public and conspicuous places within the district, at least twenty days before the time for holding such meeting. Such notice shall state the time, place and object of such meeting, and if the polls are to be opened at any such meeting, to determine any question, the notice shall state the hours at which the polls will be opened and closed. All business transacted at such meeting other than specified in said notice shall be void. The voting at such meetings shall be by ballot.

Call of meetings for election.

What notices shall contain.

Other business shall be void.

Shall vote by ballot.

SEC. 33. It shall be the duty of the County Clerk to furnish the Board of Trustees of the district at least five

County clerk shall
furnish registration
list.

Judges and clerks of
elections.

Providing for va-
cancy.

Count and canvass.

Certificate of elec-
tion.

Judges shall regis-
ter voters.

Challenges.

Who shall be quali-
fied to vote.

Board shall have
general charge.

days previous to the day of election, for school trustee, a certified copy of the registration list, showing the names of all registered voters, residing in the precincts, covered in whole or in part by such school district. The Board of Trustees of the district shall act as judges of election and the clerk of the district school board shall act as clerk. The polls shall be kept open during four successive hours on the day of election. In case of vacancy occasioned by the absence of any of the said officers at an election for trustee, the registered voters who are present at the time of opening the polls shall choose a person to fill such vacancy.

SEC. 34. Immediately after the polls are closed, the judges shall proceed to count and canvass the votes cast at such election, and the person receiving the highest number of votes shall be declared elected.

SEC. 35. The clerk of the school board shall, within five days after such election, furnish each person elected with a certificate of election, a copy of which, with the oath of office, must be forwarded immediately to the County Superintendent.

SEC. 36. At all elections for school trustees, for levying taxes, for voting on the issuance of bonds, or for any other purpose, the judges of election shall register the name of each voter at the time his vote is cast, and shall file such register with the clerk of the district. Such register shall be a public record and subject to inspection by any person. Challenges for cause by any qualified voter shall be allowed at the polls and promptly decided under the provisions of this Act by the judges of election.

SEC. 37. Every male person of the age of twenty-one years or over who has been a resident of the Territory for six months and of the school district for thirty days, both immediately preceding the day on which any meeting is held for the purpose of voting on the question of levying taxes or issuing bonds for any school district or for selecting a school house site and who has paid a Territorial or county school tax in any such district during the preceding year, or who has been assessed for any Territorial or county school tax in any such district for the year in which any such meeting is held shall be entitled to vote at any such meeting.

ARTICLE VI.

POWERS AND DUTIES OF SCHOOL TRUSTEES.—See Sec. 74.

SEC. 38. The district school board shall have general charge, direction and management of the schools of the district, and the care, custody and control of all property

belonging to the district subject to the provisions of this act. It may order to be raised on the taxable property of the district, one-fourth of one per cent for the support of schools and to defray current expenses. Taxation.

SEC. 39. It shall organize, maintain and conveniently locate schools for the education of the children of school age within the district, or change or discontinue any of them according to law. Shall locate or discontinue schools.

SEC. 40. It shall make all necessary repairs to the school houses, out-buildings and appurtenances, and furnish fuel and necessary supplies for the schools. Shall make repairs and furnish supplies.

SEC. 41. It shall furnish to each school all necessary and suitable furniture, maps, charts, apparatus and reference books. The school register and all school blanks shall be those furnished by the Territorial Commissioner. Territorial commissioner shall furnish.

SEC. 42. It shall employ the teachers of the schools of the district, and may dismiss any teacher for violation of contract, immorality or neglect of duty. Every contract for the employment of a teacher must be in writing, but no such contract shall extend beyond the thirtieth day of June next following. The County Superintendent shall be informed immediately of the engagement or dismissal of any teacher. Employment of teachers and contracts.

SEC. 43. It shall have power to admit to the schools in the district pupils from other districts when it can be done without injuring or overcrowding such schools, and shall have power to make regulations for their admission and to charge and collect reasonable fees for their tuition. It shall have power to arrange with the board of an adjacent district for sending to such district such pupils as can be conveniently taught therein when for any cause such pupils cannot be conveniently taught in the district where they reside, and for paying their tuition. It shall also have power to make proper and needful rules for the assignment and distribution of pupils to and among the schools in the district and their transfer from one school to another. May admit pupils from other districts.

SEC. 44. It shall assist and co-operate with teachers in the government and discipline of the schools and make proper rules and regulations therefor. It may suspend or expel from school any pupil insubordinate or habitually disobedient; Shall assist and co-operate with teachers. *Provided*, such suspension or expulsion shall not be for a longer period than ten days nor beyond the end of the current term of school, unless in the judgment of the board such pupil is incorrigible. May suspend or expel pupils for cause.

SEC. 45. It may permit a school house, when not occupied for school purposes, to be used for any purpose which will not interfere with the seating or other furniture or property; but for any such use or privilege the district shall not be at any expense for fuel or otherwise. May permit school-house to be used for other than school purposes.

Providing for elections for decision upon matters pertaining to school buildings.

SEC. 46. When necessary for the welfare of the schools of the district, or to provide for the children therein proper school privileges, or whenever petitioned to do so by one-third of the resident male taxpayers of the district, the board shall call a meeting of the qualified voters as defined in Section 37, at some convenient time and place fixed by the board, to vote upon the question of the selection, purchase, exchange, or sale of a school house site, or the erection, removal purchase, exchange or sale of a school house. The chairman of the board shall be chairman, and the clerk of the board secretary of such meeting. In case either of these officers is not present his place shall be filled by some one chosen by the voters present. A notice, stating the time, place and purpose of such meeting shall be posted in three public places in the district by the clerk of the district at least twenty days prior to such meeting. If a majority of such voters present at such meeting shall by vote select a school house site, or shall be in favor of the purchase, exchange or sale of a designated school house site, or of the erection, removal or sale of a school house, as the case may be, the board shall locate, purchase, exchange or sell such site, or erect, remove or sell such school house, as the case may be, in accordance with such vote of such majority; *Provided*, That it shall require a two-thirds vote to order the removal of a school house. See Sec. 83.

Organization of new schools.

SEC. 47. If a petition, signed by the persons charged with the support, and having the custody and care of fifteen or more children of school age, all whom reside two miles or more from the nearest school, be presented to the board asking for the organization of a school for such children, the board may organize such school and employ a teacher therefor.

Board shall arrange for school term.

SEC. 48. The district board shall determine and fix the length of time the school in the district be taught in each year, and when each term of school shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of school age. *Provided*, That every district school shall be kept in session not less than two terms in each school year; *Provided further*, That any school may be discontinued when the average attendance of pupils therein for twenty consecutive days shall be less than twelve, or when, with the consent of a majority of the patrons of such school, proper and convenient school facilities can be provided for the pupils in some other school.

When a school may be discontinued.

Clerk shall make and furnish enumeration and other data.

SEC. 49. The board shall annually cause the clerk to make and transmit to the county superintendent, between the first and tenth days of August, an enumeration subscribed

and sworn to by said clerk of all persons over six and under eighteen years of age residing in the district, giving:

First—The name, age, sex and color of each person.

Second—The number attending district schools.

Third—The number attending private schools.

Fourth—Such other facts as the law may require.

SEC. 50. It shall be the duty of the district board to cause to be set out and properly protected as many shade trees as the size, location and arrangement of the school lot will justify, and such expense shall be paid from the special school fund. It shall be the duty of the County Superintendent to see that this requirement is complied with.

Board required to provide for shade trees.

SEC. 51. It shall be the duty of the district board to keep an accurate journal of its proceedings, an account of all moneys paid to the Treasurer and of all moneys paid on orders drawn on the Treasurer, and prepare and cause to be presented to the voters at the regular annual meeting held on the Tuesday next after the first Monday of November 1892 and on the same day in 1893 and biennially thereafter a statement, under oath, showing: First, the moneys on hand at the date of the last annual report, the moneys received by the Treasurer since such report and from what sources received. Second, the amount of sinking fund and how invested. See section 94. Third, the moneys paid out, to whom and for what paid. Fourth, the balance of school moneys in the hands of the Treasurer. Fifth, the number, date and amount of every bond issued and redeemed under the authority given in this act, and the amount received and paid therefor, to which statement shall be added a report showing the management and condition of the schools in the district during the preceding year; a copy of such statement and report, together with such other reports as may be required by the Territorial commissioner, and for which blank forms have been provided, shall forthwith be filed with the County Superintendent. They shall also present with their statement to the Superintendent vouchers for all moneys paid out; *Provided*, That at said annual meeting the amount, of compensation to be allowed to the Trustees, or to either of them, may be decided by a majority vote of the taxpayers present.

Board shall keep record of proceedings, and account for funds received and expended.

Method of rendering account.

Report to be filed with county superintendent.

Shall furnish vouchers for moneys paid.

Taxpayers shall decide upon compensation.

Sec. 51a. The Trustees of any school district having a population of over fifteen hundred when authorized by a majority vote of the taxpayers resident in the district present at a meeting called for that purpose may establish and maintain a high school, in which pupils may be instructed in higher branches of education than those usually taught in the district schools, and pupils over eighteen years of age may be admitted to and instructed in such schools, on such terms as

When a high school may be provided for.

Eligibility of pupils.

to tuition and otherwise as the Trustees may prescribe. *Provided:* That where the population of any one district is not sufficient, two or more contiguous districts may unite in establishing and maintaining such high schools and upon such terms and in such a manner as they may agree.

Two or more districts may unite.

ARTICLE VII.

VACANCIES.

Providing for vacancy in office of superintendent.

SEC. 52. Should a vacancy occur in the office of County Superintendent of district schools, the county court shall appoint a suitable person to fill the vacancy; such appointee shall qualify and serve during the balance of the unexpired term and until his successor is elected and qualified, and the county clerk shall immediately notify the Territorial Commissioner of such appointment.

In case of vacancy in office of trustee.

SEC. 53. Should a vacancy occur in the office of trustee of a school district, the remaining trustees shall immediately appoint some qualified elector of the district to fill the vacancy and such appointee shall qualify and serve until the next school election, and until his successor is elected and qualified; *Provided*, in case two or more vacancies occur at the same time in the office of trustee in any school district, the county court of the county in which such district is situated shall appoint to fill such vacancies.

Vacancy shall be filled by board.

SEC. 54. A vacancy in the office of trustee vacates the office which such trustee held in the school board, and such vacancy shall be filled by appointment of the board.

When office shall be deemed vacant.

SEC. 55. Any officer of a school district may resign, but such resignation shall not take effect until his successor has qualified according to law. Any office of a school district shall be deemed vacant if the person duly elected or appointed thereto shall remove from the district, or neglect or refuse, for the period of ten days after such election or appointment, to accept and qualify for such office.

ARTICLE VIII.

DUTIES OF TEACHERS.

Teacher shall notify county superintendent.

SEC. 56. Every teacher on commencing a term of school shall give written notice to the county superintendent of the time and place of beginning of such school and the time it will probably close. If such school is to be suspended for more than one week at any one time in said term, the teacher shall notify the county superintendent of such proposed suspension.

SEC. 57. No teacher shall be entitled to any compensation for teaching in any district school unless he is the holder of a certificate, valid and in force in the county where such school is taught; *Provided*, that if a teacher's certificate shall expire by its own limitation within six weeks of the close of a term, the holder may finish such term without re-examination or renewal of certificate; and, *provided, also*, that teachers of special subjects and substitutes for a day or two may be paid, though they hold no certificates.

Teacher without certificate not entitled to compensation.

SEC. 58. Every teacher shall keep a school register, and at the close of each term make a report in such form and containing such items as shall be required by law. Such report shall be made in duplicate, one copy of which shall be filed with the clerk of the district and one copy filed with the county superintendent. No teacher shall be paid the last month's salary of any term until the report for such term shall be filed as herein required.

School register and report.

SEC. 59. The school year shall begin on the first day of July of each year and close on the last day of June of the year following. A school week shall consist of five days, a school month of twenty days, and a school term of ten weeks. No school shall be taught on a legal holiday, nor on any Saturday. A legal holiday falling upon a day which otherwise would be a day of school shall be counted a day of school, and the teacher shall be paid therefor.

School year and school term.

School shall not be taught on a holiday.

SEC. 60. Every teacher in the district schools shall teach pupils the course of study prescribed and give special instruction concerning the nature of, and effects produced by the use of alcoholic drinks, stimulants and narcotics.

Instruction required upon effects produced by intemperance.

SEC. 61. Each teacher who is engaged in teaching during a period which include the time of holding a teachers' institute and receiving notice to attend, shall close such school during the holding of such institute and attend the same, and shall be paid by the school board of the district his regular salary as teacher for the time during which he attended such institute as certified by the County Superintendent. The certificate of any teacher may be revoked by the County Board of Examiners when upon due examination and inquiry it appears that he is guilty of inexcusable neglect or refusal to attend a teachers' institute held for such county.

Teachers required to attend teachers' institute.

Certificate may be revoked for neglect to attend institute.

SEC. 62. A teacher may suspend from school for not more than five days at any one time any pupil for insubordination or habitual disobedience or disorderly conduct. In such case the teacher shall give immediate notice of such suspension, and the reason thereof, to the parents or guardian of such pupil and also to some member of the District School Board.

Relating to suspension of pupils.

SEC. 63. It shall be the duty of the teachers to assign

Teachers shall assign pupils to studies qualified for.

to each pupil such studies as he is qualified to pursue and to place him in the proper classes; *Provided*, That in graded schools the principal or superintendent shall perform such duty.

Shall enforce use of text books.

SEC. 64. Teachers shall enforce the use of text books and the rules and regulations prescribed for schools. Any pupil who cuts, defaces, or otherwise injures any school property is liable to suspension from school and upon complaint of the teacher or any trustee, the parent or guardian of such pupil shall be liable for all damage.

Liable for injury of school property.

Doctrine that shall not be taught.

SEC. 65. No atheistic, infidel, sectarian, or denominational doctrine shall be taught in any of the district schools of this Territory. Moral instruction tending to impress upon the minds of the pupils the importance of good manners, truthfulness, temperance, purity, patriotism and industry, shall be given in every district school.

General course of instruction.

Text books for indigent pupils.

SEC. 66. Necessary text books and supplies may be furnished by the School Board, free of charge to indigent pupils. Such books and supplies shall be used under the direction of the teacher.

The English language only.

SEC. 67. All district schools in this Territory shall be taught in the English language.

ARTICLE IX.

TEXT BOOKS.

Convention shall decide upon adoption of text books.

SEC. 68. The Commissioner of Schools, County Superintendents, superintendents of city schools in cities of the second class and the president of the faculty of the University of Utah, or a majority of them, shall, at a convention called by the Commissioner of Schools, for that purpose, decide what text books shall be adopted in the district schools, except in cities of the first class and their use shall be mandatory in all the district schools of the Territory except in cities of the first class; *Provided*, That text books so adopted shall not be changed within a period of five years after their adoption, except for sufficient cause to be decided at a special convention, called for that purpose, and any teacher changing any of such text books shall forfeit his eligibility as a teacher.

Relating to change of text books.

Notice of time for holding convention required.

SEC. 69. At least sixty days notice of the time of holding any such convention must be given by publication in a newspaper having general circulation in this Territory. Said notice shall state the subject upon which text books will be adopted; that sealed proposals will be received by the Commissioner of Schools for furnishing such books; the place where and the day and hour when all proposals will be opened, and that the convention reserves the right to reject any or all proposals.

Relating to proposals for furnishing text books.

SEC. 70. At the time and place specified in said notice the convention shall meet and publicly open and read all the proposals which have been received and shall make their awards therein within thirty days thereafter.

Convention shall open and read proposals in public.

SEC. 71. Sealed proposals must be accompanied by sample copies of the books proposed to be furnished, together with a statement of the introductory or exchange price, and of the wholesale and retail prices at which the publisher agrees to furnish each book within this Territory during the full time for which said books may be adopted.

Proposals must have sample copies therewith.

SEC. 72. If no satisfactory proposals are received, then the books already in use shall continue in use until changed as herein provided.

SEC. 73. The publisher or publishers whose proposals shall be accepted must enter into a written contract with the Commissioner of Schools, and shall give a bond with two sufficient sureties in a reasonable sum, to be fixed by the convention, for the faithful performance of such contract.

Publishers furnishing books must enter into contract.

SEC. 74. If the trustees of any district or the Board of Education of any city shall refuse or neglect to enforce the use of the text books adopted by the convention, such refusal or neglect shall be a misdemeanor on the part of any trustee so refusing or neglecting, and shall be punishable by a fine not exceeding one hundred dollars and by removal from office.

Neglect or refusal to enforce use of text books a misdemeanor.

ARTICLE X.

SCHOOL FUND.

SEC. 75. The County Superintendent of each county shall immediately upon receiving the apportionment from the Territorial Commissioner proceed to apportion the Territorial and county school funds to the several school districts of his county, according to the number of school children residing in each district, over six and under eighteen years of age, as appears from the last enumeration reported to his office. *Provided:* That before making such apportionments he shall set aside so much of said fund as the County Court shall order for the payment of the compensation of the County Superintendent, members of the Board of Examiners, the Assessor and Collector, Treasurer, the expenses of the County Institute, and contingent expenses of the County Superintendents office.

County superintendent shall apportion to each district its share of public fund, after setting aside certain portions.

SEC. 76. No school district shall receive any apportionment of school moneys unless such district shall have maintained a school therein for at least twenty weeks during the next preceding school year, but any new district formed by the division of an old one is entitled to its apportionment when

No district entitled to fund before twenty weeks of school has been maintained.

school has been maintained in the old district before division, or in the new district after division, or in both, at least twenty weeks in all; *Provided*, that when, by reason of fire, flood, or other uncontrollable causes, school has not been maintained the length of time required by this section, the district may still draw its apportionment.

Newly organized district is entitled to portion of fund.

SEC. 77. Any newly organized school district shall be entitled to its proportion of the Territorial and county fund which has been apportioned to the district or districts from which it was created.

School shall be closed when average attendance is below twelve.

SEC. 78. When the average attendance in any school district for twenty consecutive weeks in any school year falls below twelve, except for reasons mentioned in section 76 of this act, the County Superintendent is hereby authorized to close said school.

ARTICLE XI.

TERRITORIAL AND COUNTY SCHOOL TAX.

Territorial treasurer shall hold and pay over on warrant of auditor.

SEC. 79. The Territorial Treasurer shall receive and hold as a special fund all public school moneys paid into the Territorial treasury, and pay them over on the warrant of the Territorial Auditor, issued upon the order of the Territorial Commissioner of Schools in favor of the County Treasurer of each county for the amount due said county.

Superintendent shall furnish estimate of funds needed.

SEC. 80. The county superintendent shall, on or before the first Monday in March of each year, furnish the county court an estimate in writing of the amount of school funds needed for the ensuing year.

County court shall levy.

SEC. 81. The county court of the county, at the time of making the annual levy of other county taxes, must levy a county school tax. It shall be collected by the county collector, at the same time on the same property and the same valuations thereof as other county taxes. Said tax shall be paid into the treasury of the county, to the credit of the county school fund.

County treasurer shall hold as special fund subject to order of superintendent and make report to county court.

SEC. 82. The county treasurer shall receive and hold as a special school fund, subject to the orders of the county superintendent, all public school moneys from whatever source received, and keep a separate account thereof, and when the same is apportioned to the school districts, shall open and keep a separate account with each district. He shall, on or before the first day of August in each year, make a report to the county court, who shall audit the same, and to the Territorial Commissioner, showing:

What report shall show.

First—The amount of moneys on hand at the commencement of the school year.

Second—The amount of moneys received from the Territorial school fund.

Third—The amount received from the county school tax.

Fourth—The amount received from other sources.

Fifth—The total expenditures for school purposes.

Sixth—The balance on hand at the end of the school year.

The county treasurer shall receive such compensation out of the county school fund as the county court may determine, for services rendered by him in pursuance of this act, to be paid upon the warrant of the County Superintendent.

Compensation of treasurer.

ARTICLE XII.

SPECIAL SCHOOL TAX.

SEC. 83. When it is necessary to raise funds to purchase a school site or improve the same, or to purchase, build, rent, repair, or furnish school houses, a tax may be voted, in any sum not to exceed two per centum of all taxable property in the district, at a meeting called for that purpose in the manner provided in article V. When a tax shall have been voted for school purposes at any meeting provided for in this act, the trustees shall file with the county superintendent and the county clerk, within ten days after such meeting, a copy of the notice calling such meeting and a copy of the minutes thereof, which shall be kept on file by said superintendent and clerk, subject to inspection by any person. The county assessors and collectors of the several counties of the Territory are hereby constituted the assessors and collectors of all district school taxes. Each shall give a bond, in such sum as shall be determined by the county court, conditioned for the faithful performance of the duties enjoined upon him by the provisions of this act, and the compensation for assessing or collecting said taxes shall not exceed fifty per cent. of the rate allowed for assessing and collecting county taxes.

Tax may be voted to purchase, build, etc. at a meeting called for that purpose.

County assessors and collectors shall assess and collect and give bonds.

Compensation for assessing and collecting.

SEC. 84. All school taxes voted by the trustees or by a special meeting called for that purpose, shall be computed from the valuations of the next county assessment roll, and shall be voted on or before the 31st day of December of any year, and within twenty days thereafter the school board shall make certified returns of the per cent. of the taxes so voted to the county clerk and the county assessor. The county assessor shall assess for such special tax, at the time and in the manner provided by law for assessing Territorial and county taxes, and shall give to the district school taxpayers similar notices to those which are required by law to be given to taxpayers of Territorial and county taxes. The county collector charged with the collection of special school taxes shall pay over the same to the treasurer

School taxes voted shall be computed from valuations of next assessment and voted on or before December 31.

of the school district in which the same are collected, making payments of the sums collected at the end of each calendar month. On the 31st day of December, after receiving the tax roll, he shall complete the payment of all the school district taxes borne upon such roll.

SEC. 85. At the time of computing the county and Territorial tax, the county clerk shall compute the district school taxes which have been voted. The county court shall sit as a board of equalization of district school taxes and shall equalize the same at the time and in the manner provided by law for equalizing Territorial and county taxes. On the completion of the tax roll the county clerk shall certify to the board of trustees of each school district the amount of the district school taxes assessed on property thereof.

SEC. 86. All school taxes levied and assessed under the provisions of this act shall attach to and become a lien on the real property assessed from and after the 31st day of August, and on the personal property from the time of assessment. School taxes shall become due and delinquent at the same time and be collected by the same officers and in the same manner as Territorial and county taxes.

ARTICLE XIII.

MISCELLANEOUS.

SEC. 87. No school officer or teacher in any district school in this Territory shall act as agent for any author, publisher, bookseller, or other person to introduce any book, apparatus, furniture or any other article whatever in any district school in this Territory, or directly or indirectly receive any gift or reward for so introducing or recommending the same, and any officer or teacher violating the provisions of this section, shall be guilty of a misdemeanor.

SEC. 88. Every district school shall be open for the admission, free of charge, of all children over six and under eighteen years of age, living in the district. Adults may be admitted to any district school, in the discretion of the Board of Trustees, at such rate of tuition as the trustees may prescribe.

SEC. 89. The district school boards shall not allow any pupil to attend the district schools while any member of the household to which such pupil belongs is sick with any infectious or contagious disease, or during a period of two weeks after the death, recovery or removal of such sick person.

County court shall equalize school taxes.

School taxes a lien on realty.

No school officer shall act as agent.

Every district school open to all children over six and under eighteen years old.

Attendance from families with infectious diseases forbidden.

ARTICLE XIV.

BONDS.

SEC. 90. Whenever a duly organized school district in any county in this Territory, at any regular or special meeting called and held for that purpose, shall determine by a majority vote to issue school district bonds for the purpose* of building and furnishing a school house, purchasing grounds on which to locate the same; or to fund any outside indebtedness, the trustees may issue such bonds in accordance with the provisions of this act.

Bonds may be issued in accordance with provisions of this act.

SEC. 91. Before the question of issuing bonds shall be submitted to vote in any school district, the trustees shall call a meeting of the voters of such district, by notices, to be posted in at least five public and conspicuous places in said district, not less than ten days before such meeting. Said notices shall state the time and place of meeting, the amount of bonds proposed to be issued and for what purpose, and the time in which they shall be made payable; the voting at such meeting shall be by ballot; all ballots deposited in favor of issuing bonds, shall have thereon the words "bonds, yes," and those opposed thereto shall have thereon the words "bonds; no;" if a majority of the votes cast shall be in favor of issuing bonds, the trustees shall forthwith proceed to issue bonds in accordance with the vote; but if less than a majority of the votes cast are in favor of issuing bonds, there shall be no further action on the question for one year thereafter.

Notice of election to vote on question of bonds.

SEC. 92. The denomination of the bonds which may be issued under the provisions of this act shall be fifty dollars or some multiple of fifty, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding six per cent per annum, payable semi-annually in accordance with interest coupons which will be attached to said bonds. And no greater amount than three thousand dollars can be issued for any one school house, except in districts of more than five hundred inhabitants, and in such districts the amount shall not exceed two per centum of its assessed valuation and such bonds shall be made payable not more than twenty years from their date. The trustees may reserve the right to redeem such bonds or any of them at any time after five years from their issue.

Denomination of bonds.

SEC. 93. Whenever any school district has voted to issue bonds, the trustees of such district shall immediately file with the clerk of the county court of the county in which such school district is situated, a certified copy of the order of the trustees, authorizing such meeting to be called and held and certified copies of the notices posted calling such meeting, to-

Trustees may reserve the right to redeem such bonds.

When district has voted to issue bonds trustees shall file with county court copy of order of trustees, copies of notices, also statement of number of inhabitants and value of taxable property, etc., endorsed by superintendent.

gether with an affidavit, showing when and where said notices were posted, and that they were posted as required by law, and the order of the trustees. The trustees shall also file with the said clerk a statement showing the number of inhabitants and value of taxable property in the district, and that the amount of bonds proposed to be issued does not exceed two per centum of the value of taxable property in the district, which statement shall be subscribed and sworn to by the trustees. The said statement shall also bear the endorsement of the county superintendent of district schools that the meeting was lawfully called and held and the voting of the taxpayers, the canvass of votes cast and all matters in relation to the proposed issue of bonds in said school district were lawfully conducted, and that such bonds may be lawfully issued. Whenever any bonds are issued under the provisions of this Act, they shall be lithographed or printed on bond paper, and shall state upon their face, the date of their issue, the amount of the bond, to whom and for what purpose issued, also the time and place of payment and the rate of interest to be paid. They shall have printed upon the margin the words "authorized by act of the Governor and Legislative Assembly of the Territory of Utah, A. D., 1892" and upon the back of the bonds shall be printed a certificate signed by the county clerk in substantially the following form: "I certify that the within bond is issued in accordance with law, and is within the debt limits permitted by the statutes of the Territory of Utah, and in accordance with a vote of the taxpayers of school district of county Territory of Utah at a regular (or special) meeting held, on the day of , A. D., , to issue bonds to the amount of dollars." They shall be signed by the chairman and clerk of the school district, and shall be registered and numbered in a book to be kept by the clerk for that purpose, in which shall be entered the number, date, denomination, name of the person to whom issued, and the date when the same shall become due; *Provided*, That bonds issued under the provisions of Article XV of this Act shall be signed by the president and clerk and countersigned by the treasurer of the Board of Education.

Bonds shall be lithographed or printed on bond paper.

What they shall state.

Form of certification of bond.

Signatures and registration.

Additional tax levy.

SEC. 94. In addition to the amount that may already be levied under the provisions of this Act, there shall be levied by the trustees annually in the month of December, on the taxable property of the school district so issuing bonds, and assessed and collected as other taxes are assessed and collected, a sum sufficient, not exceeding two and a half mills on the dollar of the assessed valuation of said district, to pay the interest upon such bonded indebtedness, and after five years in like manner, a further tax not to exceed two mills upon the dollar shall be levied by the trustees of such district, in

the month of December, for a sinking fund, to be used in payment of such bonds when they become due, and for no other purpose; except whenever there may be sufficient funds on hand, the trustees may, in their discretion, purchase any of its outstanding bonds at the lowest market price, and pay for the same out of the sinking fund; *Provided*, such price does not exceed the par value of such bonds.

Sinking fund and use thereof.

SEC. 95. Whenever any bonds are issued under the provisions of this Act, the trustees shall have authority to negotiate and sell such bonds for not less than their par value. And the proceeds shall be used exclusively for the purpose for which they were issued.

Authority to negotiate and sell bonds.

SEC. 96. Bonds issued under the provisions of this Act shall be a lien upon the taxable property in the school district issuing them, and when any trustees neglect or refuse to levy a tax in accordance with law to meet outstanding bonds or the interest thereon, the county court shall levy such tax, and when collected apply it to the payment of such bonds and the interest due thereon.

Bonds a lien upon taxable property.

When district neglects county court shall levy tax.

SEC. 97. Whenever any of the bonds of a school district shall have been redeemed or purchased by the trustees, they shall be cancelled by writing or printing in red ink across each bond and coupon, the words "paid and cancelled," and the date of payment and amount paid shall be entered in the clerk's register against the number of the bond and thereafter no interest shall be paid on account of the bond so cancelled, and the bonds and coupons so cancelled shall be filed in the office of the clerk of the district, until all the outstanding bonds and coupons of any one series are paid, when all such bonds and coupons shall be destroyed in the presence of a quorum of the board of trustees, and such fact shall be entered upon the records of the board.

Form of cancellation of bonds redeemed.

Interest shall not be paid on cancelled bonds.

Cancelled bonds shall be destroyed.

SEC. 98. Whenever any school house is to be built, the trustees shall advertise for at least thirty days in some newspaper printed in the county, or if no newspaper is printed in the county, by posting notices for the same length of time in five conspicuous and public places in the county, for sealed proposals for building such school house in whole or in part in accordance with plans and specifications which shall be furnished by the trustees, stating in such advertisement or notice the place where, the day and hour when all proposals will be opened, and reserving the right to reject any and all proposals. At the time and place specified in said notice, the trustees shall meet and publicly open and read all the proposals which have been received, and shall award the contract to the lowest responsible bidder, and shall require of such contractor a bond in double the amount of the contract, conditioned that he will properly perform the conditions of the contract in a faithful

Trustees shall advertise for proposals for building.

Trustees shall publicly open and read proposals.

May reject all proposals.

manner and in accordance with its provisions; in case none of the proposals are satisfactory, all shall be rejected, and said trustees shall advertise anew in the same manner as before and until a satisfactory proposal shall be submitted.

Taxpayers may vote to bond indebtedness.

SEC. 99. The provisions of this act shall be applicable to and shall authorize the issue of bonds by such school districts as have already built school houses and the taxpayers of any such school district may vote to bond the indebtedness incurred by reason of building and furnishing school house or purchasing a site for the same, and bonds therefor may be issued in the same manner as herein provided for building and furnishing school houses.

ARTICLE XV.

Cities of first and second class shall each constitute one school district.

SECTION 100. All cities of the first and second classes shall be governed by the provisions of this article.

SEC. 101. Each city subject to the provisions of this act and all territory which shall hereafter be added thereto, shall constitute one school district, and Public Schools therein shall be free to all residents of said district, between the ages of six and eighteen years.

All Public Schools and property therein shall be under the direction and control of the Board of Education.

Board of education and terms of membership.

SEC. 102. The Board of Education in cities of the first class shall consist of two members to be elected by and from each municipal ward of the city, whose terms of office shall be two years and until their successors are elected and qualified. On the first Wednesday in December of each year there shall be elected one member of said Board from each municipal ward from cities of the first class, who shall qualify on or before and take their seats at the first regular meeting of the Board in January thereafter.

Election and term of office.

Members of the Board of Education in cities of the first class whose terms expire in July 1892 and 1893 shall continue in office until the qualification of their successors in the January succeeding the July in which their offices expire.

Official term in cities of first class.

The Board of Education in cities of the second class shall consist of one member to be elected by and from each municipal ward of the city, whose term of office shall be two years and until their successors are elected and qualified.

Official term in cities of second class.

Election in cities of second class.

On the first Wednesday in December in 1892 and biennially thereafter there shall be elected one member of said Board from each municipal ward, of cities of the second class who shall qualify on or before and take their seats at the first regular meeting of the Board in January thereafter.

Members of the Board in cities of the second class whose

terms expire in July 1892, shall continue in office until the qualification of their successors in January 1893.

Extension of term in cities of second class.

Every member of the Board shall be and remain a resident qualified registered voter in the municipal ward from which he is elected, and the Board of Education is hereby required to fill any vacancy that may occur through non-residence or any other cause, until the next election for members of the Board.

Qualification for membership.

Provision for filling vacancies.

Provided, That any vacancy occurring previous to the annual election having an unexpired term shall be filled for such unexpired term at the first election thereafter, and the ballots shall be as follows: "To fill unexpired term——."

Vacancy may be filled at annual election.

ORGANIZATION OF THE BOARD.

The members elected as herein provided shall, before entering upon the discharge of their duties, take and subscribe an oath of office, and take their seats at the first meeting of the Board in January after their election, and organize by electing from their number a President and a Vice-President whose term of office shall be for one year and until their successors are elected and qualified.

Period of organization.

They shall also elect a Clerk and a Treasurer, who shall be registered voters in the School District, and whose term of office shall be one year, and until their successors are elected and qualified.

Election of clerk and treasurer.

The Board of Education shall have power to appoint all officers that in its judgment may be necessary to fully carry out the provisions of this Act for the protection and improvement of school property and promotion of the interests of the schools and remove the same at pleasure, and may require any such officer to give bonds to the Board in such sum as it may prescribe.

May appoint necessary officers.

The oath of office and bond of the Clerk shall be filed with the Treasurer and all others shall be filed with the Clerk.

Oath and bond of clerk.

SEC. 103. At the first meeting of the Board in June, a superintendent of schools shall be elected, who shall subscribe an oath of office and enter upon his duties on the first day of July thereafter, whose term of office shall be one year and until his successor shall be elected and qualified; provided that the superintendent-elect shall be the chairman of the Board of Examiners for any examination of teachers that may be held in June.

Election of superintendent of schools.

The school year shall commence with the first day of July annually and close at the last day of June following. The annual reports of the President, superintendent and the several committees shall be presented to the Board on or before the third Monday in July of each year.

School year.

Time for presentation of annual reports.

Compensation of
members of board.

SEC. 104. The Board of Education may provide for the compensation of its members on duly verified vouchers, under such regulations as it may adopt, not to exceed two Dollars each for each session of the Board actually attended and three Dollars per day for each days services, actually and necessarily performed under the direction of the Board.

Enumeration of
school population
and time therefor.

SEC. 105. The Board of Education shall appoint suitable persons for each ward who shall act as enumerators of school population for said ward, and visit every house therein between the 15th and 31st days of July of each year, who shall enter upon lists the name of every person between the age of six and eighteen years residing in such ward.

Information re-
quired.

Said enumeration lists shall contain all the information required by law, and the Commissioner of Schools, and such other information as the Board of Education may require.

Time for filing
enumeration lists.

SEC. 106. The enumeration lists shall be filed with the Clerk of the Board as soon as completed and not later than the 10th day of August.

Clerk of Board shall
report to commis-
sioner of schools

Immediately thereafter the clerk of the Board shall make out and forward to the Commissioner of Schools for Utah the number of children of school age residing in the district, together with such information as the law requires, and thereupon the Commissioner of Schools shall allot to such city or school district a proper pro rata of all school funds subject to allotment, and shall apportion the amount due said city and certify the same to the Board of Education of such city, as well as the County Superintendent of the County in which such city is located.

DUTIES OF THE PRESIDENT.

SEC. 107. It shall be the duty of the President to preside at all meetings of the Board; to appoint all committees and to sign all warrants ordered by the Board of Education to be drawn upon the Treasurer for school moneys.

When vice-president
may act as presi-
dent.

In case of the absence or disability of the President, his duties shall be performed by the Vice-President.

DUTIES OF THE CLERK.

Clerk shall give
bond

SEC. 108. Before entering upon the discharge of his duties, the clerk shall give a bond to the Board of Education of such city in such sum as the Board of Education may prescribe, with good and sufficient sureties, to be approved by the Board, conditioned for the faithful performances of his duties, and shall qualify according to law.

SEC. 109. It shall be the duty of the clerk to attend all meetings of the Board, keep an accurate journal of its pro-

ceedings, have the care and custody of the seal, records and papers not otherwise provided for; countersign all warrants drawn upon the Treasurer by order of the Board: keep an accurate account of all moneys paid to the Treasurer on account of said Board, and from what source received, and of all moneys paid on orders drawn on the Treasurer by order of said Board, and prepare and submit to the Board an annual statement under oath, of the receipts and disbursements during the year ending December 31st, which statement the Board shall cause to be published in a newspaper having general circulation in said city, showing first, the amount on hand at the date of last report; the moneys received since the last report, and from what source received; second, the amount of sinking fund and how invested; third, the moneys paid out to whom and for what paid; fourth, the balance of school moneys on hand; fifth, the number, date and amount of every bond issued and redeemed under the authority given in this Act, and the amount received and paid therefor, and perform such other duties as the Board and its committees may require. He shall receive for his services such compensation as the Board may fix and determine.

Attendance at meetings and keeping of records.

Annual statement and publication thereof required.

Compensation of clerk to be fixed by board.

DUTIES AND BOND OF TREASURER.

SEC. 110. The Treasurer of the Board of Education shall subscribe to the oath of Office and give a bond to the Board with sufficient sureties and in such sum as it may require, said oath and bond to be approved by the Board and filed with its Clerk. He shall prepare and submit in writing a monthly report of the receipts and disbursements of his office, and pay out school moneys only upon a warrant signed by the President or in his absence by the Vice President, and countersigned by the Clerk, and perform such other duties as the Board may require. The Treasurer shall receive for his services such amount as the Board of Education may fix and determine. The Board may also require the Treasurer to keep his office and records at the Office of the Board.

Treasurer shall give bond.

Monthly report required.

Board may prescribe other duties.

Compensation of treasurer to be fixed by board.

POWERS OF THE BOARD.

SEC. 111. The Board of Education of said city shall be a body corporate under the name of "The Board of Education of the city of—," and shall have an official seal conformable to such name, which shall be used by the clerk in the authentication of all matters requiring it. And said Board in the name aforesaid may sue and be sued; may take, hold, lease, sell and convey real and personal property as the interests of the school may require. The members thereof shall have the power and authority to administer oaths in

Board a body corporate.

Title of board.

Authority of board.

proof of claims and accounts against said corporation, and no such claim or account except salaries of teachers shall be audited or allowed by the Board of Education unless the correctness of the same shall be proved under oath.

SEC. 112. The Board of Education of said city shall have power and authority to purchase or sell school house sites and improvements thereon, construct and erect school buildings and furnish the same; establish, locate and maintain primary schools, graded schools, grammar schools, high schools, and industrial or manual training schools; establish and support school libraries; purchase, exchange, repair and improve the school apparatus, books, furniture, fixtures and all other school supplies in said schools; supply and loan to pupils in the several grades and departments of said schools, free of charge, all text books and supplies used by the pupils of said school; collect all books and apparatus loaned to pupils of the public schools of said city; do all things needful for the maintenance, prosperity and success of said schools, and the promotion of education: adopt by-laws and rules for the procedure of the Board of Education, and make and enforce all needful rules and regulations for the control and management of the public schools of said city.

SEC. 113. No school sites or buildings shall be sold or conveyed by the Board of Education except upon resolution of the Board duly adopted at a regular or duly called meeting, and not then without the affirmative recorded vote of at least two-thirds of all the members of the Board.

EXAMINING COMMITTEE.

SEC. 114. The Board of Education shall appoint and fix the compensation of two competent persons for each examination who associated with the city superintendent, or superintendent-elect, shall constitute the examining committee, but no candidate for examination as a preliminary to teaching in the public schools shall be an examiner.

SEC. 115. The examining committee shall hold teacher's examinations during each year at such times as the Board of Education may direct. If from the percentage of correct answers required by the rules, and other evidences disclosed by the examination including particularly the superintendent's knowledge and information of the candidates experience as a teacher, the applicant is found to be a person of good moral character, and to possess such knowledge and understanding, together with aptness to teach and govern as will enable the applicant to teach in the public schools of the city, the various branches required by law, said Board of Examiners shall grant to such applicant a certificate of qualification.

Powers and duties.

Sale of school buildings and sites.

Candidate for examination shall not be an examiner.

Board shall provide for teachers' examinations.

To whom board of examiners may grant certificates.

SEC. 116. Certificates of qualification shall be of three grades, according to the ratio of correct answers to questions asked of each applicant, and other evidences of qualification appearing from the examination. The first grade certificates shall be valid in said city for the term of three years, the second grade for a term of two years, the third grade for one year. No certificates shall be granted unless the applicant be found proficient in, and qualified to teach the following branches, namely:—Pedagogics, reading, writing spelling, English grammar, geography, United States history, arithmetic, physiology and hygiene, and in addition such other English branches as the Board of Education may prescribe. And in addition to all subjects required for second and third grade certificates, the candidate for a first grade certificate must sustain a satisfactory examination in civil government, physical geography, elementary natural philosophy and elementary algebra.

Certificates of qualification and grades thereof.

SEC. 117. The Board of Examiners or the superintendent of schools may grant temporary certificates to teachers of experience of whose ability to pass an examination they are assured, provided, that such temporary certificates shall be valid only until the next regular examination, and under no circumstances shall be issued more than once to the same person.

Provision for temporary certificates.

SEC. 118. No certificate or permission to teach shall be issued to any person under eighteen years of age, and no first or second grade certificate shall be issued to any person who is under twenty-one years of age, and who has not taught successfully ten school months, provided, that a certificate issued by any city or county Board of Examiners may be valid when endorsed by the city superintendent of schools, good only to the next examination. No person shall be employed or permitted to teach in any of the public schools of the city who is not the holder of a lawful certificate of qualification:

Age of persons to whom certificates may be issued.

Must hold certificate as qualification.

Provided, That all normal diplomas issued after the passage of this act by the University of Utah, shall entitle the holder to a third grade certificate for one year. Any contract made in violation of this act shall be void.

Normal diplomas shall entitle holder to third grade certificate.

SEC. 119. The Board of Education is authorized and required to revoke for immoral or unprofessional conduct or evident unfitness for teaching, any certificate granted by its authority.

Board may revoke certificate.

TEXT BOOKS.

SEC. 120. In cities of the first class, the Board of Education shall decide what text-books shall be adopted in all the public schools of the city, and their use shall be mandatory.

Use of prescribed text books mandatory.

tory in all such schools; provided, that text-books so adopted shall not be changed within a period of five years after their adoption and any teacher changing any of such text-books may be discharged by the Board of Education therefor.

Notice by publication required for bids for furnishing text books.

SEC. 121. The Board of Education shall give at least sixty days notice by publication in a newspaper having a general circulation in this Territory, of its intention to adopt text-books for the public schools of the city, calling for bids and terms from publishers of text-books for schools stating the number and kind of books required; that separate sealed proposals will be received by the Board of Education for furnishing each kind of book, the place where, and the day and hour when all proposals will be opened, and that the Board reserve the right to reject any and all proposals or any part thereof.

When decision upon bids shall be rendered.

SEC. 122. At the time and place specified in said notice the Board shall meet and publicly open and read all the proposals which have been received, and shall make their decision within thirty days thereafter.

Sample copies of books, and prices must be furnished.

SEC. 123. Sealed proposals must be accompanied with sample copies of the books proposed to be furnished, together with the statement of the introductory or exchange price, and of the wholesale and retail prices at which the publisher agrees to furnish each book within the city during the full time for which said books may be adopted.

May advertise anew.

SEC. 124. If no satisfactory proposals are received, then the Board in its discretion may advertise anew, and the books in use shall continue in use until satisfactory proposals have been received and accepted.

Written contract and bond required.

SEC. 125. The publisher or publishers whose proposals shall be accepted, must enter into a written contract with the Board of Education, and shall give a bond with two sufficient sureties in a reasonable sum, to be affixed by the Board, for the faithful performance of such contract.

CITY SCHOOL TAXES.

Property held by board exempt from taxation.

SEC. 126. All property, real and personal, held by the Board of Education shall be exempt from taxation, for any purpose, and shall not be taken in any manner for debt.

For purposes of taxation city shall be one district.

SEC. 127. For all purposes of taxation the whole city shall constitute one school district.

Cities shall receive pro rata share of Territorial tax.

SEC. 128. All cities organized under the provisions of this act, shall receive their *pro rata* share of any Territorial taxes levied for the support of district schools or any funds that may be realized from any source which under operation of law are required to be divided *pro rata* for the benefit of children of school age residing in the Territory.

SEC. 129. The Board of Education shall, on or before the first day of March of each year, prepare a statement and estimate of the amount necessary for the support and maintenance of the school under its charge, for the school year commencing on the first day of July next thereafter, also the amount necessary to pay the interest accruing during such year on bonds issued by said board, and the amount of sinking fund necessary to be collected during such year for the payment and redemption of such bonds; and shall forthwith cause to be certified by the President and Clerk of said Board, to the Assessor and Collector for said city, the amount required for school purposes for the coming year, and the Assessor and Collector for the city, after having extended the valuation of property on the assessment rolls, shall levy such per cent. as shall as near as may be, raise the amount required by the Board; which levy shall be uniform on all property within the said city as returned on the assessment roll thereof, and the said Assessor and Collector is hereby authorized and required to place the same on the tax roll of the city, and said tax shall be collected by the Collector as other city taxes are collected, but without additional compensation for assessing and collecting, and pay to the Treasurer of said Board, promptly as collected and held by him subject to the order of the Board of Education; provided, that the tax for the support and maintenance of such schools shall not exceed in any one year two mills on the dollar upon all taxable property of said city.

Board shall prepare statement and estimate of amount necessary for school uses, and also for interest on bonds and for sinking fund.

Certification by president and clerk.

Assessor and collector shall levy.

Shall be collected by collector.

BONDS.

SEC. 130. The Board of Education of such city may, when in their judgment it is advisable, or shall when petitioned by a majority of the resident taxpayers of the school district, as appears by the county assessment roll of the last preceeding year, call an election in each municipal ward of the city and submit to the taxpayers of the district, whether bonds of such district shall be issued and sold for the purpose of raising money for purchasing school sites, for building or purchasing one or more school houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating the indebtedness already incurred for such purpose or for refunding and redemption of all or any portion of any bonds outstanding in any such district.

When board may call elections for vote on issue of bonds and for what purpose same shall be applied.

SEC. 131. The election provided for in the preceeding section shall be called by publishing a notice signed by the President and clerk of the Board of Education, in a newspaper published in the city, for not less than ten days, and by posting said notice at the polling places in each of the municipal wards of the city for the same length of time next

Provision for calling election.

Board shall appoint
election judges.

What election no-
tice shall contain.

preceeding said meeting. The Board of Education, before any notice is published or posted, shall appoint three electors in each municipal ward to conduct the election herein provided for, who shall take and subscribe an oath of office, who shall make returns thereof to the Board as herein provided. Such notice shall contain:

First—The time and places of holding the same.

Second—The names of the Judges at each polling place to conduct the same.

Third—The time during which the polls will be open.

Fourth—The amount and denomination of the bonds, the rate of interest and the number of years, not exceeding twenty, the whole or any part of said bonds are to run.

Fifth—For what purpose it is proposed to issue bonds.

Informalities shall
not invalidate.

SEC. 132. The ballot used at such election shall be furnished by the Board of Education, and shall express upon its face the questions the Board desires to submit to the taxpayers. No informalities in conducting such election shall invalidate the same, if it shall have been otherwise fairly conducted.

Who may vote.

SEC. 133. Every registered voter residing in any ward in which any election is held for the purpose of determining the question of issuing bonds for such school district, shall be entitled to vote at any such election. Challenges for cause by any qualified voter shall be allowed at such election, and promptly decided by the Judges conducting the same.

Challenges allowed.

Canvass of ballots
and returns.

SEC. 134. Immediately after the close of the polls, the persons appointed to conduct the same shall proceed to count and canvass the ballots cast at such election and make returns thereof to the Board of Education, and said Board shall within five days after said election, meet and canvass said returns, and if a majority of all the ballots cast at said election are in favor of issuing such bonds, then the Board shall cause an entry of that fact to be made on its minutes, and shall immediately file with the Clerk of the County Court of the County in which such school district is situated, a certified copy of the order of the Board of Education, and certified copies of the notices published or posted, calling such election, with an affidavit showing when and where said notices were published or posted, and that they were published or posted as required by law and the order of the Board of Education. The Board shall

Returns to be filed
with county clerk
by board.

Statement to be
filed by board with
county clerk show-
ing number of in-
habitants and value
of taxable property,
etc.

also file with said Clerk, a statement showing the number of inhabitants, and the value of taxable property in the district, that the amount of bonds proposed to be issued does not exceed two per centum of the value of the taxable property in the district; that the election at which the question of issuing bonds was submitted was lawfully called and held; that all proceedings in relation to the proposed issue of bonds in said dis-

trict were lawfully conducted, and that such bonds may be lawfully issued, and thereupon said Board of Education shall be and they are hereby authorized and directed to issue the bonds of such district to the number and amount voted for at such election. The money for the redemption of said bonds, and the payment of the interest thereon as it shall become due, shall be raised by taxation upon the taxable property of said district; provided that the total amount of bonds so issued shall not exceed two per centum of the taxable property of the district as shown by the last equalized assessment book of the Territorial and County taxes.

Board required to issue bonds.

Money for redemption and interest to be raised by taxation.

Total amount of bonds shall not exceed two per centum of taxable property.

SEC. 135. The denomination of the bonds which may be issued under the provisions of this act shall be fifty dollars, or some multiple of fifty, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding six per cent per annum, payable semi-annually or annually, in accordance with interest coupons which shall be attached to said bonds, and shall be made payable not more than twenty years from their date. The Board of Education may reserve the right to redeem such bonds, or any of them, at any time after ten years from their issue. Any bonds heretofore authorized by vote of any school district, remaining unsold may, in the discretion of the Board, be hereafter issued to bear any rate of interest not exceeding six per cent per annum, payable annually or semi-annually.

Denomination of bonds.

Interest.

When payable.

Right to redeem.

Any previously issued bond unsold may be issued to bear any rate of interest not more than six per cent.

SEC. 136. Whenever any bonds are issued under the provisions of this act, they shall be engraved, lithographed or printed on bond paper, and shall state upon their faces the date of their issue, the amount of the bond, for what purpose issued, also the time and place of payment and the rate of interest to be paid. They shall have printed upon the margin the words "Authorized by act of the Governor and Legislative Assembly of the Territory of Utah, A. D. 1892," and upon the back of the bond shall be printed a certificate signed by the County Clerk in substantially the following form: "I certify that the within bond is issued in accordance with law, and is within the debt limits permitted by the Statutes of the Territory of Utah, and in accordance with a vote of the tax-payers of.....school district of.....County, Territory of Utah, at an election held on the.....day of..... A. D., authorizing the issue of bonds to the amount ofdollars." They shall be signed by the President and clerk of the Board of Education, and there shall be entered in a book to be kept by the clerk for that purpose, the number, date and denomination of the bonds sold, and the date when the same shall become due.

Bonds shall be engraved, lithographed or printed on bond paper, and shall state amount, time, interest, etc.

On back shall be printed certificate of county clerk.

Form of county clerk's certificate.

Bonds shall be signed by president and clerk of board of education and entered in book by clerk.

SEC. 137. Whenever any bonds are issued under the provisions of this act, the Board of Education shall have authority

Board of education shall negotiate and sell bonds.

to negotiate and sell such bonds to the highest bidder. And the proceeds shall be used exclusively for the purpose for which they were issued.

When bonds are redeemed or purchased by board of Education, they shall be cancelled and entry made upon clerk's register.

SEC. 138. Whenever any of the bonds of a school district shall have been redeemed or purchased by the Board of Education, they shall be cancelled by writing or printing in red ink across each bond and coupon the words, "Paid and cancelled," and the date of payment and amount paid shall be entered in the Clerk's Register against the number of the bond, and the bonds and coupons so cancelled shall be filed in the office of the clerk of the Board until all the outstanding bonds and coupons of any one series are paid, when all such bonds and coupons shall be destroyed in the presence of a quorum of the Board, and such fact shall be entered upon the records of the Board.

When all outstanding bonds of any one series are paid they shall be destroyed.

When school house is to be built board shall advertise for sealed proposals.

Plans shall be in office of board or of architect.

Shall require certified check of at least 5 per cent. of bid.

At time and place board shall open and publicly read all proposals.

Shall award to lowest bidder and require bond of contractor.

All proposals may be rejected.

Board may advertise anew.

May require that at least 20 per cent. be withheld.

Board in its annual levy shall include for interest on bonds and for sinking fund.

SEC. 139. Whenever any school house is to be built, the Board of Education shall advertise for at least twenty days in some newspaper published in the city, for sealed proposals for building such school house in accordance with the plans and specifications which shall be furnished by the Board of Education at its office, or at the office of the architect, stating in such advertisement or notice the place where, the day and hour when all proposals will be opened, and reserving the right to reject any and all proposals, and shall require a certified check of not less than 5 per cent. of the amount of the bid to accompany the same. At the time and place specified in said notice, the Board shall meet and publicly open and read all the proposals which have been received, shall award the contract to the lowest responsible bidder, and shall require of such bidder or contractor a bond in one-half the amount of the contract, conditional that he will properly perform the conditions of the contract in a faithful manner and in accordance with its provisions; in case none of the proposals are satisfactory, all shall be rejected, and said Board shall advertise anew in the same manner as before, and until a satisfactory proposal shall be submitted, and may require in the contract to be executed that at least 20 per cent. of the contract price may be withheld until the building is completed and accepted by the Board.

SEC. 140. The Board of Education in its annual estimate and levy provided for in this article, shall include an amount sufficient to pay the interest as the same accrues on all outstanding bonds issued by the board, and also to create a sinking fund for the redemption of said bonds, and shall cause a tax to be levied and collected as provided for in this article, and such money shall remain a specific fund, and shall not be appropriated or used for any other purpose than is hereinafter provided.

SEC. 141. The moneys levied and collected for creating a sinking fund for the redemption of the bonds issued by the Board of Education shall be as follows:—After retaining an amount sufficient to pay the principal of bonds maturing during the year, the Board shall, with the surplus of the sinking fund, invest or loan the same on good security on the best terms to be obtained until such time as it may be needed to purchase any outstanding bonds that may be offered, or until the maturity of any such bonds.

Creating a sinking fund for redemption of bonds.

Board shall invest or loan surplus until needed to purchase outstanding bonds.

SEC. 142. Bonds issued under the provisions of this act shall be a lien upon the taxable property of the school district issuing them, and when the Board of Education neglects or refuses to levy a tax in accordance with law to meet outstanding bonds or the interest thereon, the County Court of the county within which such district is situated, shall levy such tax, and apply the money thus collected to the payment of such bonds, and the interest due thereon.

Bonds shall be a lien upon taxable property

When board neglects to levy tax county court shall levy and apply money.

ARTICLE XVI.

COMPULSORY ATTENDANCE.

SEC. 143. Every parent, guardian or other person having control of any child between eight and fourteen years of age, shall be required to send such child to a public, district or private school in the district, in which he resides, at least sixteen weeks in each school year, after the thirtieth day of June, 1892, ten weeks of which shall be consecutive; *Provided*, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or the board of education of the city, as the case may be, whenever it shall be shown to their satisfaction that one of the following reasons exists:

Attendance of children from eight to fourteen years of age.

First—That such child is taught at home in the branches provided by law and for the same length of time as children are required by law to be taught in the district schools.

Reasons for excusing attendance.

Second—That such child has already acquired the branches of learning taught in the district schools.

Third—That such child is in such physical or mental condition (which may be certified by a competent physician if required by the board) as to render such attendance inexpedient or impracticable. If no such school is taught the requisite length of time within two and one-half miles of the residence of such child by the nearest road, such attendance shall not be enforced.

Fourth—That such child is attending some public district or private school.

Fifth—That the service of such child are necessary to the support of a widowed mother or an invalid father.

Wilful failure of parent or guardian to comply with requirements in attendance a misdemeanor.

SEC. 144. Any such parent, guardian or other person having control of any child between eight and fourteen years of age, who wilfully fails to comply with the requirements of the last preceding section, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not more than ten dollars for the first offense, and for the second and every subsequent offense, not more than thirty dollars, and costs in each case, such fine shall be paid into the district school fund.

Cases of neglect shall be inquired into.

SEC. 145. It shall be the duty of the president of the board of education of any city, and of the chairman of the school trustees of any district, within their respective jurisdiction, to inquire into all cases of neglect of duty prescribed in this act.

MISCELLANEOUS.

SEC. 146. An act entitled "an act providing for the establishment and support of district schools and for other purposes," approved February 20, 1880, excepting Section 23 of said act (Sec. 1934, Compiled Laws of Utah of 1888), and all acts amendatory thereof, or supplemental thereto, and all other acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

Terms of office of school trustees and county superintendents.

SEC. 147. The terms of office of all school trustees now in office, except the trustees of school districts situated within the limits of cities of first or second class, that would expire in the years 1891 and 1892, are hereby continued until the full terms of office for which they were elected have expired and their successors are elected and qualified, and the terms of office of all county superintendents now in office are hereby continued until the expiration of the full terms of office for which they were elected have expired.

Providing for refunding certain school tax.

SEC. 148. Nothing in this act shall be construed as intended to abate, impair or invalidate any levy of taxes or assessment therefor which has been or is now being made in any school district or County in this Territory, and all such assessments shall be continued and completed and the taxes levied shall be collected in the manner provided by law; *Provided*, that in all cities of the first class, which at the time of the passage of the act entitled "an act to provide a uniform system of free schools throughout Utah Territory, approved March 13, 1890," consisted of more than one school district, wherein special taxes of varying percentages had been levied and were inserted in the tax roll of that year, the Board of Education is hereby authorized, under such general regulations as it may adopt, to refund such tax money as it may have received to such taxpayers as may have paid such special school taxes, the

amount without rebate, that they have so paid, on the presentation of their tax receipts, or sufficient evidence that they have paid such taxes.

SEC. 149. The funds to meet the cost of such repayment shall be provided by the sale of bonds, or derived from taxation, the authority to issue which shall have been granted by the electors of the school district at a regularly called meeting. Any residue of such funds, after the full payment of the taxes applied for as aforesaid, may be used by said Board of Education, either in the purchase of school sites, the erection of school buildings, or for general school expenses.

Cost of such refunding to be derived from taxation or sale of bonds.

SEC. 150. An Act, entitled "An Act to provide for a uniform system of free schools throughout Utah Territory approved March 13th 1890," except Sec. 116 Article XV and all acts and parts of acts inconsistent with this act are hereby repealed, except as to Bonds heretofore voted but remaining unissued or unsold.

SEC. 151. This act shall take effect upon its approval.
Approved March 10, 1892.

CHAPTER LXXXI.

CIVIL ACTIONS WITHOUT COSTS.

AN ACT to allow poor persons to commence and prosecute suits.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That any person may commence a civil action, without giving security or making a deposit fee, by taking and subscribing the following oath in writing: "I, A. B., do solemnly swear that I am not able to bear the expenses of the action which I am about to commence, and that I am justly entitled to the relief sought to the best of my belief."

May commence civil action without security or deposit of fee. Form of oath.

SEC. 2. In the cases provided for in the preceding section, the clerks and other officers of the court shall perform all the usual duties required in the progress of an action, and the witnesses shall attend as in other cases, unless their depositions are taken under the provisions of law.

Duty of court officials. Attendance of witnesses.

SEC. 3. If it be made to appear to the court, at any time before the trial, that said oath is probably untrue, or the cause of action frivolous or malicious, the action shall be dismissed.

If oath be deemed untrue or cause of action unfounded.

SEC. 4. On failure of any person to prosecute his action with effect, judgment shall be given against such person, and execution awarded, as in other cases.

In case of failure to prosecute with effect.

SEC. 5. That all acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed,
Approved March 10, 1892.

CHAPTER LXXXII.

TERRITORIAL LIBRARIAN.

AN ACT Relating to the Management of the Territorial Library.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the office of Territorial Librarian, as created by the act of the Territorial Legislature, approved March 13th, 1890, entitled "An Act Providing for and Regulating the Utah Territorial Library," be, and the same is, hereby abolished, and all the duties of said office, as defined in said act, are hereby devolved upon, and shall be performed by, the Clerk of the Supreme Court of said Territory; and the sum of One Thousand dollars is hereby appropriated, of the moneys of said Territory not otherwise appropriated, to be drawn by the said clerk as compensation for such services for the years 1892, and 1893 one half to be paid in the year 1892, and one half in the year 1893 payable quarterly.

SEC. 2. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LXXXIII.

TERRITORIAL BONDS.

AN ACT Providing for the Issuing and Disposal of Territorial Bonds.

For purpose of meeting casual deficit.

For the purpose of meeting a casual deficit in the revenues, and to pay interest upon the Territorial debt and for the erection of penal, charitable and educational institutions of the Territory; and, whereas, the current revenue of the Territory, now in the treasury, is insufficient for the purposes named, therefore:

Governor shall appoint board of loan commissioners.

SECTION 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the Governor shall nominate, and by and with the advice and consent of the Legislative Council, appoint three persons who shall

constitute a board of commissioners to be styled the Loan Commissioners of the Territory of Utah, and shall exercise the powers and perform the duties hereinafter provided. *Provided*, In case of vacancy in the office of any said commissioners by death resignation or otherwise, such vacancy shall be filled by said board.

Board to fill vacancy.

SEC. 2. It shall be and is hereby declared the duty of the Loan Commissioners to provide for negotiating a loan for the Territory in a sum not to exceed two hundred and fifty thousand dollars by issuing negotiable coupon or registered bonds of this Territory, and rules and regulations for the registration of bonds shall be prescribed by the Governor, Secretary, Auditor of Public Accounts and Loan Commissioners.

Duty of loan commissioners to provide for loan.

Rules for registration of bonds.

SEC. 3. Said bonds shall be issued in the denomination of one thousand (\$1,000) dollars, and shall bear interest at a rate to be fixed by said loan commissioners, but in no case shall exceed five per cent per annum, which shall be paid semi-annually on the first day of January and July of each year, at the Deseret National Bank in Salt Lake City, Utah Territory and at the bank of Wells Fargo & Co. in the city of New York, State of New York or their successors. The principal of said bonds shall be payable in lawful money of the United States, within twenty years after the date of the issue. They shall bear the date of their issue, state when, where, and to whom payable, the rate of interest, and shall be signed by the Governor, Secretary and Auditor of Public Accounts, and have the seal of the Territory affixed thereto, and countersigned by the Territorial Treasurer, and shall be registered by the Territorial Auditor, in a book kept by him for that purpose. And the faith and credit of the Territory is hereby pledged for the payment of said bonds and the interest accruing thereon, as herein provided.

Denomination of bonds, rate of interest, and when and where interest is payable.

Bonds shall bear date of issue and state when, where and to whom payable.

SEC. 4. Coupons for the interest shall be attached to each coupon bond, so that they may be removed without injury or mutilation to the bond. They shall be consecutively numbered, and bear the same number as the bond to which they are attached. The said coupons shall cover the interest expressed in said bond, from the date of the issue until paid.

Interest coupons.

SEC. 5. Whenever the said loan commissioners shall have arranged to make a loan of said sum of two hundred and fifty thousand dollars or any part thereof, they shall direct the Territorial Treasurer to advertise for a sale of the bonds to be issued for that purpose, by causing a notice of said sale to be published for the period of one month in two daily newspapers published in Salt Lake City, Utah Territory; such notice shall specify the amount of bonds to be sold, the

In case of loan commissioners shall direct treasurer to advertise for sale.

Notice shall specify amount, etc.

rate of interest they shall bear, the place, day and hour of sale, and that bids will be received by said treasurer for the purchase of said bonds within one month from the expiration of said publication in said papers. At the place and time named in said notice, the said treasurer and loan commissioners shall open all bids received and shall award the purchase of said bonds, or any part thereof, to the highest bidder or bidders therefor; but in no case shall said bonds be sold for less than their face or par value, and the accrued interest at the time of their disposal; *Provided*, That said loan commissioners shall have the right to reject any and all bids, and sell the same at private sale at not less than the par value thereof with like accrued interest and, *provided further*, that they may refuse to make any award unless a certified check for two per cent of the amount of the bid shall be furnished by the bidder or bidders for the compliance with the terms of their bids.

SEC. 6. When a sale of said bonds or any of them shall be awarded by the loan commissioners, they shall provide the necessary engraved bonds as in this act provided, and any expense incurred by them for the publication of said notices, and all other incidental expenses under the provisions of this Act, shall be paid out of the general fund of the Territory upon the order of the Territorial auditor, and a sum of money sufficient to cover said costs and expenses is hereby appropriated out of said funds. They shall from time to time after signing said bonds, deliver them to the Territorial treasurer, taking his receipt therefor and charge him therewith. Before the issuance of any such bonds the said treasurer shall give to the Territory of Utah an additional official bond with two or more sureties in the sum of two hundred and fifty thousand dollars, which bond shall be approved by the Governor and deposited and filed with the secretary of the Territory, and recorded by him in a book to be kept for that purpose. And the said treasurer shall stand charged upon said bond and his official bond for the faithful performance of the duties required of him under this Act.

SEC. 7. The Territorial auditor shall draw his warrant on the Territorial treasurer for the amount of interest which shall fall due on the first day of January and July of each year, which said interest warrant shall be drawn at least one month previous to the maturing of the interest, and the sum of twelve thousand and five hundred dollars annually or so much thereof as may be necessary, is hereby appropriated and set aside from the general fund of the Territory from year to year, to pay the interest upon said bonds.

SEC. 8. At the expiration of ten years after the issuing of said bonds there shall be set apart and is hereby appro-

Bonds shall not be sold for less than par value and accrued interest.

Right to reject all bids.

Certified check for two per cent of bid shall accompany bid.

Upon sale loan commissioners shall provide bonds, and expense incurred by them for publication, etc., shall be paid out of general fund.

Commissioners shall deliver bonds to territorial treasurer.

Treasurer shall give additional bond approved by governor.

Auditor shall draw warrant for interest.

Appropriation to pay interest.

priated out of the general funds in the hands of the Territorial treasurer annually the sum of twenty-five thousand dollars to be drawn on the warrant of the auditor to pay the principal of said bonds as the same shall fall due or be called for as provided in this Act. Said amount shall be held and placed by the treasurer in a fund to be known as the redemption fund for the redemption of said bonds.

After ten years a sum shall be set apart annually for payment of principal to be known as redemption fund

SEC. 9. The Loan Commissioners and the Territorial Treasurer shall, within ten days after the sale of any such bonds, file with the Territorial Auditor a verified statement showing their number, rate of interest, date and amount of sale, when, where and to whom payable, and the Territorial Auditor shall keep a record of all bonds issued and disposed of by the Territorial Treasurer, showing their number, rate of interest, date and amount of sale, when, where and to whom payable, and, when presented for redemption, the date, amount due thereon and the person surrendering.

Loan commissioners shall after sale file statement with auditor.

Auditor shall keep record.

SEC. 10. It shall be the duty of said board of loan commissioners to make a full report of all their proceedings and under the provisions of this Act, biennially to the Territorial Legislative Assembly during the first week of the session.

Loan commissioners shall report to legislative assembly.

SEC. 11. The Governor, Secretary, Auditor of Public Accounts, and the said Loan Commissioners, may provide rules for the registration of any coupon bonds, issued by the Territory, and may cause the same to be registered, with the name and the address of the owner, with the Auditor of Public Accounts and with the Territorial Treasurer. It shall be the duty of the Auditor to issue a warrant, to the holder of each of the said registered bonds, five days prior to the first day of January and July of each year, and deliver same to the Treasurer of the Territory, who shall remit a draft on New York, payable at the banks of Wells, Fargo and Co., to the registered address of the respective owners of the said registered bonds: *Provided* that upon the registration of coupon bonds as provided for in this section, said coupon bonds shall be taken and cancelled by the Treasurer and Auditor of Public Accounts and registered bonds issued to the owner in the place thereof.

Registration of bonds.

Auditor shall issue warrant five days prior to January 1st and July 1st for interest.

SEC. 12. No bonds issued under the provisions of this Act shall be taxed for any purpose within this Territory.

SEC. 13. This Act shall be in force from and after its approval.

Approved March 10, 1892.

CHAPTER LXXXIV.

APPROPRIATIONS.

AN ACT Making Appropriations for General Purposes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the following sums of money are hereby appropriated out of any money in the Territorial treasury not otherwise appropriated for the purposes hereinafter expressed:

Auditor.	1st. For salary of Auditor of Public Accounts for the years 1892 and 1893, to be drawn quarterly.....	\$ 4,800 00
Treasurer.	2d. For salary of Territorial Treasurer, for the years 1892 and 1893, to be drawn quarterly.....	2,500 00
Commissioner of schools.	3d. For salary of the Territorial Commissioner of District Schools for the years 1892, and 1893, to be drawn quarterly.....	3,000 00
Board of equalization.	For the Territorial Board of Equalization for books and blanks to be paid on Auditor's warrants on the order of the Board or so much thereof as may be necessary.....	800 00
Judges of district court.	For each of the Judges of the District Courts of this Territory, as salary for 1892 and 1893 \$2,000 each, to be paid quarterly.....	8,000 00
Private secretary executive office.	For salary of Private Secretary in the executive office for the years 1892 and 1893, to be drawn quarterly \$1,200 per annum.....	2,400 00
Musser.	To A. M. Musser for services acting as Fish Commissioner for Utah for 1890 and 1891.....	1,000 00
Commissioners university lands.	To the Commissioners to locate University lands—F. A. Mitchell \$200; I. M. Waddell \$200; R. A. Ballantyne \$200 for services 1890 and 1891.....	600 00
Rent treasurer's office.	For rent of room for Treasurers' office.....	600 00
Rent auditor's office.	For rent of rooms for Auditor, Recorder of Marks and Brands, for the years 1892 and 1893.....	1,200 00
Commissioners university lands.	To Commissioners to locate University Lands Attorney's fees \$200.00 Expenses \$22.40.....	222 40
Barnard.	To G. D. Barnard & Co., for steel files for Supreme Court	250 00
Smith.	To Grant H. Smith, for indexing Laws of Utah.....	600 00
Printing indexes.	For printing in pamphlet form 2,000 copies indexes or so much thereof as may be necessary.....	800 00
	Said amounts to be drawn by the Committee consisting of D. Evans, J. N. Kimball and M. F. Arnett upon the completion and acceptance by them of said work.	
Raybould.	To W. F. Raybould, to book protectors, twine, wrapping paper etc.....	17 25
Smythe, Britton & Poore.	To Smythe Britton & Poore Co. for document wrappers, House and Council.....	10 00

To Smythe, Britton & Poore Co. for blanks and press work.....	\$	84	26	Smythe, Britton.
" Washington County, for one-half expense of making maps for use of County Assessor.....		284	37	Washington Co.
" Box Elder County, for Assessors maps.....		403	85	Box Elder Co
" Millard County, for maps furnished to Assessor...		275	00	Millard Co.
" John Morris Company, for stationery furnished First District Court, Provo.....		19	00	John Morris Co
" Geo. D. Barnard & Co., for records furnished Jos. P. Bache, Clerk of Supreme Court.....		40	50	Barnard & Co.
" Geo. D. Barnard & Co., for legal blanks for Jos. P. Bache, Clerk of Supreme Court.....		25	25	do
" Summit County, for one-half cost furnishing maps for County Assessor		200	00	Summit Co.
" Geo. D. Barnard & Co., for blanks and record, furnished Clerk District Court, Ogden.....		54	05	Barnard.
" Wells, Fargo & Co.'s Bank, for interest and cablegrams		164	92	Wells, Fargo.
" Contingent expenses Executive Office 1892 and 1893		600	00	Contingent expen- ses.
" Thomas Fowler, Sheriff, Utah County, for services rendered, 330 days at \$3.00 per day.....		990	00	Fowler.
" Anthony W. Ivins, Assessor and Collector, Washington County, for uncollectable delinquent taxes....		51	61	Ivins.
" Geo. D. Barnard & Co., for steel filing cases furnished McClure, Clerk, District Court, Ogden....		820	00	Barnard & Co.
" Joseph A. Lyman, Collector of Millard County, for taxes remitted by County Court of Millard County		192	28	Lyman.
" Nathan Faux, Collector of San Pete County, for uncollectable Territorial taxes.....		31	62	Faux.
" Joshua R. Clark, Assessor and Collector, Tooele County, for uncollectable taxes		271	71	Clark.
" C. H. McClure for freight advanced on vault linings \$61.38, to drayage on same \$5.00.....		66	38	McClure.
" Star Printing Company for printing and binding		224	26	Star Printing.
" Smythe, Britton & Poore Company for blanks, postage and express charges		85	20	Smythe, Britton.
" Geo. D. Barnard & Co., for judgement record for District Clerk Provo, \$21.00, to minute book \$22.25		43	25	Barnard & Co.
" The John Morris Co., for judgement docket, index, leather letters furnished District Court Provo \$19.00, to fee book \$14.00.....		33	00	Morris Co.
" B. Bachman Jr., Clerk District Court, Provo, for rebinding and indexing 1st Judicial District Court, Provo		175	00	Bachman.
" Martin S. Lindsay, for services rendered as Assistant enrollment Clerk, 29th session Legislative Assembly		10	00	Lindsay.
" Geo. C. Lambert, Public Printer, for printing done during 30th session of Legislative Assembly.....		1,885	35	Lambert.
" Parley L. Williams, for services rendered as adviser to Auditor of Public Accounts and Territorial Treasurer in relation to Territorial business.....		1,500	00	Williams.

News Co.	To Deseret News Company, for record of opinions, register, minute book and three indexes furnished the Clerk of the Supreme Court.....	\$ 55 25
Law books.	" For the purchase of Law books for the Territorial Library, to be drawn upon the order of the Chief Justice of Utah Territory.....	3,000 00
Boreman.	" Jacob S. Boreman, for salary School Commissioner last quarter 1890	375 00
Incidental expenses	SEC. 2. For incidental expenses of the offices of Auditor, Sealer of Weights and Measures, and Recorder of Marks and Brands for the years 1892 and 1893, or so much thereof as may be necessary. <i>Provided</i> , the same shall be paid out on vouchers approved by and filed with the Auditor.....	500 00
do.	For incidental expenses of the office of Territorial Treasurer, for years 1892 and 1893, or so much thereof as may be necessary.....	200 00
do.	For incidental expenses of the office of the Territorial Commissioner of District Schools for the years 1892 and 1893.....	400 00
Recorder marks and brands.	To the Territorial Recorder of Marks and Brands for publishing at least quarterly the recorded marks and brands of Utah Territory, same to be distributed free of charge, through the County Clerks to the various Justices of the Peace and Constables throughout the Territory one-half to be drawn in the year 1892, and the balance in 1893 or so much thereof as may be necessary.....	500 00
Deficiency.	To pay deficiency of witness and jurors in Territorial criminal cases for 1890 and 1891 as reported by Commissioners, as follows:	
First District Court, Provo.	To First Judicial District, Provo division, to be drawn on the order of J. R. Twelves.....	5,416 44
do. Ogden.	To First Judicial District, Ogden division, to be drawn on the order of H. H. Rolapp.....	7,903 00
Third district.	To Third Judicial District, to be drawn on the order of Geo. D. Pyper	9,125 08
Second district.	To Second Judicial District, to be drawn on the order of W. H. Bakes	49 45
Third district.	To Third Judicial District, to be drawn on the order of Geo. D. Pyper for 1888 and 1889.....	42 96
Witnesses, jurors and phonographic reporters.	For payment of witnesses and jurors and phonographic reporters in Territorial criminal cases in District Courts of this Territory for the years 1892 and 1893, or so much thereof as may be necessary.... <i>Provided</i> , That the above amounts shall be drawn by and paid out upon vouchers duly authenticated for services as jurors in Territorial civil and criminal cases and for witnesses and phonographic reporters in criminal cases in which the Territory is liable as required by law.	80,000 00

SEC. 3. To the counties hereinafter mentioned, for one-half the cost of maps and plats for the county assessor of the several counties, to be drawn on the order of the county courts of the respective counties:

To certain counties for maps and plats for assessor.

Beaver County.....	\$	323	00
Cache County.....		551	90
Garfield County.....		31	50
Iron County.....		154	63
Piute County.....		72	70
San Pete County.....		430	05
Salt Lake County.....		3,363	85
Utah County.....		475	00
Weber County.....		247	00
Wasatch County.....		200	00
Emery County.....		37	50
Davis County.....		181	12
Juab County.....		223	70
Sevier County.....		62	50
To D. Hamer, for one-half the cost of preparing maps and plats for county assessor of Weber County, bill rendered.....		1,250	00 D. Hamer.

For relief of amount of over paid taxes, same to be remitted viz:

Relief of over-paid taxes.

John Pope, ex-collector, Uintah County.....	\$	112	66
O. D. Allen, ex-collector, Grand County.....		75	92
M. W. Mansfield, ex-collector, Piute County.....		11	35
A. E. Merriam, ex-collector, San Pete County.....		112	25
To Chapman & Strong, rebate Territorial taxes for 1888, being amount of excessive tax.....		55	00
“ G. R. Belknap, sheriff, for attendance on First District Court, as per order of said court.....		1,671	00 Belknap.
“ Sevier County for bounty paid on scalps.....		37	50 Sevier County.
SEC. 4. To Jesse Baldwin, sheriff, Beaver County, for attendance as jailer on Second District Court..		192	40 Baldwin.
To C. P. Brooks, witness in case of Territory vs. I. C. Kennelly, in Land Office.....		10	00 Brooks.
“ W. A. Hodges, Assayer, Land Office.....		10	00 Hodges.
“ J. C. Currie Assayer, Land Office.....		20	00 Currie.
“ F. M. Ullmer, witness, Land Office.....		5	00 Ullmer.
“ Emma B. Eberhard, Stenographer, Land Office..		102	60 Eberhard.
“ Parks & Thompson, Attorneys, Land Office.....		1,200	00 Parks & Thompson.
“ J. S. Boreman, Attorney, Land Office.....		500	00 Boreman.
“ H. G. McMillan, as per bill of expenditures, account Third Judicial District Court.....		107	25 McMillan.
“ F. D. Kimball for services as expert accountant in the examination of the books and accounts of the Territorial Auditor and Treasurer.....		50	00 Kimball.
“ G. D. Barnard & Co., for books, printing, etc., for Third Judicial District Court, as per bill.....		295	70 Barnard & Co.
“ Tribune Publishing Co., for blanks, printing, etc., for office of Territorial Statistician as per bill....		153	00 Tribune.

Pacific Express.	To Pacific Express Co., for transportation books, as per bill filed herewith.....	122 90
Kelly & Co.	" Kelly & Co., for books, blanks, etc., furnished First District Court at Ogden and Provo.....	323 25
Barnard & Co.	" G. D. Barnard & Co., for books, stationery, etc., furnished for Second District Court, Beaver.....	32 95
do.	" G. D. Barnard & Co., for stationery, etc., for Second District Court, Beaver.....	49 95
Insane Asylum.	SEC. 5. To Territorial Insane Asylum, for deficiency for building asylum, and interest on above from January 1, 1892.....	38,807 88
	For furnishing north wing of asylum.....	10,000 00
	For repairs to south wing.....	1,500 00
	For building airing courts.....	1,000 00
	For grading and fixing grounds.....	2,500 00
	Maintenance for two years, 1892 and 1893, one-half to be drawn each year, and on order of the Board of Directors or so much thereof as may be necessary.	100,000 00
University of Utah.	For University of Utah for general maintenance of all departments for two years from January 1, 1892, including Normals, Mining School and Deaf Mutes, and in lieu of all special appropriations....	90,000 00
Reform school.	For Territorial Reform School, for maintenance for two years, 1892 and 1893, one-half to be drawn each year on the order of the Board of Directors.	40,000 00
	For Building and Furnishing.....	5,000 00
Agricultural college.	For the Agricultural College of Utah,	
	Buildings, the sum of.....	65,000 00

Which sum shall be expended by and under the direction of a Board of Construction, to consist of Geo. W. Thatcher, Isaac D. Haines and William Goodwin, who shall each receive for their services the sum of \$300.00, to be paid upon the completion of said buildings; said Board of Construction shall each give a bond in the sum of \$25,000.00, to be approved by the Territorial Auditor, and qualify by taking the official oath, before entering upon their duties; such Board shall elect a chairman, and warrants for the money appropriated for said buildings shall be drawn by the Auditor of Public Accounts upon the order of such chairman:

Deseret A. and M. Society.	For the maintenance of said Agricultural College for the years 1892 and 1893, for furniture, apparatus and other purposes stated in the report and estimate of the Trustees of said College, to be drawn and expended by said Trustees of said College.....	43,000 00
Fair exhibits.	For the Deseret Agricultural and Manufacturing Society, deficiency.....	12,239 00
	For premiums for fair exhibits for 1892 and 1893, one-half to be drawn each year.....	6,000 00

For contingent expenses for 1892 and 1893, one-half to be drawn each year on the order of the Board of Directors.....	\$ 3,000 00	Contingent expenses.
For the Territorial Board of Equalization for deficit for the years 1890 and 1891.....	543 57	Territorial board of equalization.
For Capitol Commission, for deficiency for expense of improving grounds 1890 and 1891.....	6,010 00	
For improvement and care of Capitol grounds for the years 1892 and 1893, one-half to be drawn each year, and drawn and expended under the supervision of the Capitol Commission.....	5,000 00	Capitol commission.
SEC. 6. To N. M. Hansen, John F. Squires, O. H. Rose, Andrew B. Nielsen and Jens Johnsen, bondsmen of C. F. Olsen, as Assessor and Collector of Cache county.....	500 00	Bondsmen of assessor and collector of Cache County.

SEC. 7. To the counties hereinafter named for the purpose of improving roads and bridges, to be drawn on the order of the county courts of the respective counties, to wit:

To Salt Lake County.....	\$ 1,500 00	
" Garfield County.....	1,000 00	
" Iron County.....	1,000 00	
" San Juan County.....	1,000 00	
" Piute County.....	1,000 00	
" Kane County.....	1,000 00	
" Morgan County.....	500 00	
" Davis County.....	500 00	
" Utah County.....	1,500 00	
" Millard County.....	1,000 00	
" Weber County.....	1,500 00	
" Beaver County.....	1,000 00	
" Emery County.....	1,000 00	
" Wasatch County.....	1,000 00	
" San Pete County.....	1,000 00	
" Box Elder County.....	1,000 00	
" Uintah County.....	1,500 00	
" Summit County.....	1,000 00	
" Washington County.....	1,500 00	
" Cache County.....	1,500 00	
" Rich County.....	1,000 00	
" Juab County.....	1,000 00	
" Sevier County.....	1,500 00	
" Tooele County.....	750 00	
" Grand County.....	2,000 00	

To the several counties of the Territory for roads and bridges.

Claims and bills shall be filed with auditor of public accounts.

Payments of deficits shall be first made.

SEC. 8. That all claims and bills for money appropriated herein for the relief of any and all persons shall be filed with the Auditor of Public Accounts before warrants shall be drawn for same.

SEC. That out of the first moneys in the Territorial treasury not otherwise appropriated from revenue or from sale of bonds, shall first be paid the amounts appropriated

herein for the payment of deficits reported by the various commissioners and directors of public institutions.

Normal school ap-
propriation repeal-
ed.

SEC. 9. So much of section 1845, Compiled Laws of Utah 1888 as appropriates \$10,000.00 per annum to the Normal School is hereby repealed.

Balances to credit of
certain funds on
books of Territorial
auditor cancelled.

SEC. 10. The following balances upon the books of the Territorial Auditor, to the credit of the following funds on December 31st, 1891, are hereby cancelled, to wit:

Insane Asylum.....	\$2,472 09
Reform School.....	769 22
Agricultural College.....	49
D. A. M. Society.....	254 30
Deseret University	758 30

Auditor required to
credit same to ap-
propriation account.

And the Territorial Auditor is hereby required to balance same upon his books by charging said accounts and crediting appropriation account.

Payments for salar-
ies, etc., shall not
be duplicated.

SEC. 11. Payments for salaries or other expenses included in this bill shall not be duplicated if it shall appear that they are covered by appropriations made heretofore by special laws.

Clerk of supreme
court ex officio Ter-
ritorial librarian.

SEC. 12. The Clerk of the Supreme Court is hereby made *ex-officio*, the Territorial Librarian, and there is hereby appropriated the sum \$1,000.00 for the years 1892 and 1893 to be drawn quarterly upon the warrant of the Territorial Auditor therefor.

SEC. 13. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect from and after its approval.

Approved March 10, 1892.

CHAPTER LXXXV.

SUITS DISMISSED VS. CLAYTON AND JACK.

AN ACT to Dismiss the Suits in the Third District Court Against James Jack and Nephi W. Clayton, and to Authorize the Auditor to Balance the Accounts of said Jack and said Clayton.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the Auditor of Public Accounts of the Territory of Utah be, and he is hereby authorized and directed to dismiss the suits numbered 8984 and 8985, now pending in the Third Judicial District Court of the Territory of Utah,

entitled, "The Territory of Utah against Nephi W. Clayton, and the Territory of Utah against James Jack;" and the said Auditor of Public Accounts for the Territory of Utah, is hereby authorized to make such entries in his books as shall balance the accounts of said Nephi W. Clayton and the said James Jack, for the amounts they drew for services as Auditor and Treasurer, respectively, during the years 1886, 1887, 1888 and 1889.

Approved March 10, 1892.

CHAPTER LXXXVI.

MINUTE CLERKS AND MESSENGER FOR EXECUTIVE DEPARTMENT.

RESOLUTION Relating to the Election of Minute Clerks, and Messengers.

Resolved, By the Governor and Legislative Assembly of the Territory of Utah:

That each House is hereby authorized to elect a Minute Clerk to serve during the present session of the Legislature, at a compensation of \$5.00 per day, and that the Governor be authorized to appoint a messenger for the executive department to serve during the session at a compensation of \$4.00 per day. Said sums to be paid out of the Territorial Treasury.

Approved January 12, 1892.

CHAPTER LXXXVII.

MESSENGER FOR SECRETARY'S OFFICE.

Be it Resolved: By the Governor and Legislative Assembly that the Secretary of the Territory be, and he hereby is authorized to employ during the present session of the Legislative Assembly, a messenger for the Secretary's office at an expense not exceeding four dollars per day, which shall be paid out of the Territorial Treasury.

Approved January 20, 1892.

CHAPTER LXXXVIII.

ENDOWMENT OF AGRICULTURAL COLLEGE.

Accepting grant of proceeds of Lands for Endowment of Agricultural College c.

Whereas "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the Colleges for the benefit of Agricultural and the Mechanic Arts, established under the provisions of an act of Congress, approved July second 1862," was passed by Congress and was approved August 30th, 1890, and made available to States and Territories on acceptance of its conditions:

Now, therefore, be it resolved by the General Assembly of the Territory of Utah:

That the said act of the Congress of the United States is assented to and accepted by the Territory of Utah with all the conditions, restrictions and limitations therein contained; and the faith of the Territory of Utah is hereby pledged to the faithful performance of the trust thereby created.

Approved, February 23, 1892.

Acceptance of grant
and pledge of faith.

CHAPTER LXXXIX.

COMPILED LAWS FOR USE OF COUNTY AND PRECINCT OFFICERS.

RESOLUTION Authorizing the Secretary of the Territory of Utah to obtain 300 sets of the Compiled Laws, 1888, for the Use of County and Precinct Officers.

Resolved by the Governor and Legislative Assembly of the Territory of Utah,

That the Secretary of the Territory be, and he is hereby authorized to obtain of the Treasurer of the Territory, also the Treasurer of the Territory is hereby authorized to turn over to the Secretary of the Territory, free of charge, 300 sets of the Compiled Laws of Utah, 1888, or so many thereof as may be necessary, to be by him delivered free of charge to the various county and precinct officers in said Territory who have not heretofore received them.

Approved February 26, 1892.

CERTIFICATE.

TERRITORY OF UTAH, }
SECRETARY'S OFFICE. } ss.

I, Elijah Sells, Secretary of the Territory of Utah, do hereby certify that the Laws and Resolutions published in this volume, beginning on page one, and ending on page one hundred and fifty, are full, true and correct copies of the originals, passed during the Thirtieth Session of the Utah Legislature (1892), as the same appear on file in this office.

In witness whereof, I have hereunto set my hand and affixed the great seal of the Territory. Done at my office in Salt Lake City, Utah, this 23d day of April, A. D. 1892.

[SEAL.]

ELIJAH SELLS,

Secretary of the Territory.

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LAWS
OF THE
TERRITORY OF UTAH,
PASSED BY THE
LEGISLATIVE ASSEMBLY
AT ITS
THIRTY-FIRST SESSION,
HELD AT
SALT LAKE CITY, THE CAPITAL OF SAID TERRITORY,
COMMENCING JANUARY 8TH, A. D. 1894, AND
ENDING MARCH 8TH, A. D. 1894.

PUBLISHED BY AUTHORITY.

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1894.

TERRITORIAL OFFICERS.

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CALEB W. WEST.

SECRETARY:

CHARLES C. RICHARDS.

JUSTICES OF THE SUPREME COURT:

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JAMES A. MINER,	}	ASSOCIATE JUSTICES.
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HARVEY W. SMITH,		

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SURVEYOR GENERAL:

GEORGE W. SNOW.

REGISTER OF THE LAND OFFICE:

BYRON W. GROO.

RECEIVER OF PUBLIC MONEYS:

FRANK HARRIS.

UNITED STATES DEPUTY REVENUE COLLECTOR:

S. D. CHASE.

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L A W S

OF

THE TERRITORY OF UTAH

PASSED AT

THE THIRTY-FIRST SESSION OF THE
LEGISLATIVE ASSEMBLY.

CHAPTER I.

MINUTE CLERKS AND MESSENGERS.

HOUSE JOINT RESOLUTION Relating to the Election of Minute Clerk and Other Employees.

Resolved by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That each House is hereby authorized to elect a minute clerk for the present session at a compensation of \$5.00 per day; two (2) committee clerks for the present session at a compensation of \$4.00 per day each; and that the Governor be and is hereby authorized to appoint a messenger for the executive office, for the present session, at a compensation of \$4.00 per day; and that the Secretary be and he is hereby authorized to appoint a messenger for the Secretary's office, for the present session, at a compensation of \$4.00 per day.

SEC. 2. This joint resolution to take effect from and after its approval.

Approved January 10th, 1894.

CHAPTER II.

ADDITIONAL CONTINGENT EXPENSES.

AN ACT to Provide for the Payment of Additional Contingent Expenses of the Thirty-first Legislative Assembly of the Territory of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. The following sums of money are hereby appropriated out of any money in the Territorial treasury—excepting school moneys—for the purpose of defraying certain contingent necessary expenses of the Thirty-first Session of the Legislative Assembly, as follows:

Legislative
Expenses.

Clerks.

For compensation of minute clerk of the Council, \$300 00

For compensation of minute clerk of the House, \$300 00

For compensation of two committee clerks of the Council, \$400 00

For compensation of two committee clerks of the House, \$400 00

Messengers.

For compensation of one messenger for the Executive office, \$240 00

For compensation of one messenger for the Secretary's office, \$240 00

SEC. 2. The Auditor of Public Accounts shall draw his warrants on the Treasurer, in favor of the Chief Clerk of the Council and House of Representatives, for seven hundred (\$700.00) dollars each, and in favor of the Governor and Secretary of the Territory, for two hundred and forty (\$240.00) dollars each.

Who shall
make payment

The Governor and Secretary are hereby authorized to pay from the sums hereby appropriated, the compensation of their respective messengers; and the Chief Clerks of the Council and House are hereby authorized to pay from the sums hereby appropriated, to the minute and committee clerks of the respective houses, their several compensations, for time actually engaged.

SEC. 3. Any balances of the moneys herein appropriated shall be covered back into the treasury. Balance.

SEC. 4. This act shall take effect from its approval.

Approved January 22d, 1894.

CHAPTER III.

WORLD'S FAIR EXHIBIT.

JOINT RESOLUTION to Permit the World's Fair Exhibit to be sent to the Midwinter Fair at San Francisco, California.

Resolved by the Governor and Legislative Assembly of Utah:

SECTION 1. That the Utah World's Fair Commission be and hereby is authorized to permit such portions of the World's Fair exhibit as may be required to be sent to the Midwinter Fair at San Francisco, California, on consideration that it shall be done without expense to the Territory, and the property sent in the charge of a trusted agent and properly cared for and returned in good condition. Commission may send to Midwinter Fair.

SEC. 2. This resolution shall be of force and effect from and after its approval.

Approved January 22d, 1894.

CHAPTER IV.

CONTINGENT EXPENSES.

AN ACT to Provide for the Payment of Contingent Expenses of the Thirty-first Session of the Legislative Assembly of the Territory of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: §

SECTION 1. That the sum of two thousand (\$2,000) dollars, or so much thereof as may be necessary, be Legislative Expenses

and the same is hereby appropriated out of the funds of the Territorial treasury for the purpose of defraying the additional contingent expenses of the Thirty-first session of the Legislative Assembly; and the Auditor of Public Accounts shall draw his warrant on the Treasurer for such money, or any portion thereof, upon the request, in writing, of the President of the Council and Speaker of the House of Representatives.

SEC. 2. This act shall take effect from its approval.

Approved February 1st, 1894.

CHAPTER V.

PAYMENT OF JURORS, WITNESSES, ETC.

AN ACT to Amend Section 22, Chap. LXXIV, of An Act Approved March 10th, 1892, Relating to the Payment of Jurors, Witnesses, Etc.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 22, Chap. LXXIV, of An Act providing for the payment of jurors, etc., of the Session Laws of 1892, be amended by adding to said Section 22 the following:

Certificates to
be received as
cash.

And the Territorial Treasurer shall receive such certificates from the county collectors as an equivalent to cash, and the Territorial Auditor is hereby authorized and required to credit such certificates to county collectors and provide for the custody and cancellation of the same as they may be received by the Territorial Treasurer.

SEC. 2. This act shall take effect on approval.

Approved February 13th, 1894.

CHAPTER VI.

ATTORNEYS AS SURETIES.

AN ACT Prohibiting Practicing Attorneys-at-law from Becoming Sureties in Certain Actions, Suits or Proceedings.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. No practicing attorney-at-law shall be a surety in any civil or criminal action, suit or proceeding which may be instituted in any of the courts of this Territory, in which he is engaged as an attorney. Shall not become surety, when.

SEC. 2. This act shall take effect from and after its approval.

Approved February 16th, 1894.

CHAPTER VII.

REPORTER'S FEES FOR IMPECUNIOUS DEFENDANTS.

AN ACT Amending Section 3099 of the Compiled Laws of Utah, of 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

That Section 3099 of the Compiled Laws of Utah, 1888, be amended by adding thereto the following:

Unless it appear by affidavit made by defendant in person, that said defendant is impecunious and unable to pay the reporter's fees for transcribing his notes, and that a transcript of the same is necessary in perfecting an appeal on behalf of defendant. If said facts are not successfully controverted by the district attorney or by affidavit of some person cognizant of the facts, the court may issue an order directing that the reporter transcribe his notes, or so much thereof as the court may deem to be necessary, taken on the Impecunious defendants.

When Terri-
tory shall pay
fees.

trial of the defendant, and the same shall be paid for out of the Territorial treasury, in the same manner as now provided by law for the payment of the reporter's fees for taking testimony in criminal actions.

Approved February 16th, 1894.

CHAPTER VIII.

ASSESSMENTS BY IRRIGATION COMPANIES.

AN ACT to Amend Section 2383 of the Compiled Laws of Utah, 1888, in Relation to Assessments.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Certain notices
not required
to publish.

SECTION 1. That Section 2383 of the Compiled Laws of Utah, of 1888, be amended by striking out the word "three," in line 1 of said section, and substituting in lieu thereof the word "five."

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved February 16th, 1894.

CHAPTER IX.

MAYOR PRO TEM.

AN ACT Giving City Councils Power to Elect One of its Number to act as Mayor pro tem. during the Absence or Disability of the Mayor.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Election of
Mayor pro
tem. in all
cities.

SECTION 1. That Section 1732 of the Compiled Laws of Utah, 1888, be and is hereby made applicable,

cumulative and supplemental to the charters of all incorporated cities now organized in this Territory.

SEC. 2. This act shall take effect from and after its approval.

Approved February 16th, 1894.

CHAPTER X.

NEEDY WORKMEN.

AN ACT to Aid in the Employment of Needy and Deserving Laborers, and Appropriating Money Therefor.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That there is hereby appropriated, ^{Board of Relief.} out of any moneys in the Territorial treasury, the sum of two thousand dollars, to be expended in the employment of needy workmen and laborers on the Capitol Grounds at Salt Lake City, by and under the direction of a board of seven persons, to be appointed by the Governor, to be known as the Board of Relief, and to serve without any compensation.

SEC. 2. The board shall expend the moneys hereby appropriated in giving employment to needy ^{Employes.} and deserving workmen and laborers, preferring, in so far as may be practicable, men with families and *bona fide* residents of the Territory.

SEC. 3. The board shall organize by electing a ^{Organization.} president and secretary, and shall give notice thereof to the Auditor of Public Accounts. The Auditor shall draw his warrants from time to time, in favor of the president of said board, for such sums (not exceeding the amount hereby appropriated) as may be certified ^{Payment.} to him by the president and secretary of said board to be necessarily required for the purposes of this act.

SEC. 4. This act shall take effect upon approval.

Approved February 17th, 1894.

CHAPTER XI.

EIGHT HOUR DAY.

AN ACT Constituting Eight Hours a Day's Labor, etc.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Eight hours a day.

SECTION 1. That hereafter eight hours shall constitute a day's work upon all public works.

What are public works.

SEC. 2. "Public works," as used in this act, shall be construed to mean all works or employment belonging to, controlled or paid for by the Territory of Utah, or any county, city, town, school district, or other political subdivisions thereof, now existing or hereafter created.

SEC. 3. This act to take effect from and after its approval.

Approved February 20th, 1894.

CHAPTER XII.

VALIDATING SCHOOL BONDS.

AN ACT to Amend Chapter LXXX of the Session Laws of 1892, entitled "An Act to Provide for a Uniform System of Free Schools throughout Utah Territory," and to Validate and Confirm Bonds Issued Thereunder.

WHEREAS, The form of bonds issued by the boards of education of cities of the first and second class, under the provisions of an act of the Legislature of Utah Territory, entitled, "An Act to provide for a uniform system of free schools throughout Utah Territory," approved March 13, 1890, and also the act of the said Legislature entitled, "An Act to provide for a uniform system of free schools throughout Utah Territory," approved March 10th, 1892, has been questioned as to whether the name of the obligor or promisor in such bonds should be the board of education of such city or the school district; and,

WHEREAS, The intention of said Legislature in

said acts was to make the name of the promisor or obligor in such bonds the school district of such cities respectively; now, therefore,

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That all bonds hereafter or heretofore issued under those acts of the Legislature of the Territory of Utah, each entitled, "An Act to provide for a uniform system of free schools throughout Utah Territory," approved respectively March 13, 1890, and March 10, 1892, are hereby validated and confirmed, whether the name of the promisor or the obligor be the board of education or the school district. Bonds validated.

SEC. 2. That the bonds voted June 5th, 1893, by the Salt Lake City school district, of Salt Lake County, Utah Territory, and issued by the board of education of the city of Salt Lake under date of August 1, 1893, with coupons attached thereto, reciting the indebtedness or obligation of said Salt Lake City school district to pay the said bonds and coupons, are hereby validated and made in every respect legal obligations against said district and said board of education, and shall be a lien on the taxable property of the said district. Salt Lake City District bonds.

SEC. 3. This act shall take effect from and after its approval.

Approved February 20th, 1894.

CHAPTER XIII.

SUPPLIES FOR DISTRICT COURT CLERKS.

AN ACT to Authorize the Auditor of Public Accounts to Procure Records and other Supplies for the use of the Clerks of the District Courts.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That hereafter all books, records and stationery required by the clerks of the district courts Books, etc., to be ordered by Auditor.

of the Territory of Utah, for Territorial business, shall be ordered or purchased only on the order of the Auditor of Public Accounts.

Clerk to furnish statement

SEC. 2. That the clerks of the district courts of the Territory of Utah shall, on or before the first day of January and the first day of July of each year, furnish the Auditor of Public Accounts a statement, certified to by said clerks and endorsed by the judge of said court, of the kind and amount of records, books and other stationery required for Territorial business.

Bids.

SEC. 3. The Auditor of Public Accounts shall, on receipt of the certified statements of the clerks of the district courts, as provided for in Section 2 of this act, solicit sealed bids from reputable persons engaged in such business for all of such records and supplies as are required for said offices, and award the contract for the furnishing of such records and supplies to the lowest responsible bidder.

Payment.

SEC. 4. All records and supplies purchased under the provisions of this act shall be received by the Auditor of Public Accounts, and he is hereby authorized to draw his warrant on the Territorial Treasurer for the payment of such records and supplies, and of all freight charges on said supplies, out of any funds remaining in the Territorial treasury, excepting school funds.

Auditor to report.

SEC. 5. The Auditor of Public Accounts shall, during the first two weeks of the session of the Legislature, present to the committee on claims and public accounts, all bills and vouchers for the furnishing of such supplies, together with a copy of the orders made on him for the same.

SEC. 6. This act to take effect from and after its approval.

Approved February 20th, 1894.

CHAPTER XIV.

VOLUNTEER FIREMEN.

AN ACT for the Relief of Volunteer Firemen.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That all members of any regular volunteer unpaid fire company, at present organized, or that may hereafter be organized, as provided by the ordinances of any city in the Territory of Utah, or members thereof, who have been or may hereafter continue in service or be honorably released therefrom after thirty months' continuous active service in said company, are hereby exempt from the payment of the tax known as "poll tax," during the time he is a resident of such city. Exempt from poll tax.

SEC. 2. That the secretary of said fire company shall issue to each member thereof a certificate, giving name, age and term of service, whether active or retired, properly signed by the officers of said company, which certificate shall, upon presentation to the road supervisor or other person empowered to collect poll tax, be a proper authority for said poll tax collector to issue a receipt for the current year to the person presenting the same. Certificate, and poll tax receipt.

SEC. 3. That any member of any company who shall surrender, sell, loan, or give his certificate to any person for the purpose of enabling such person to evade the payment of poll tax, shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to a fine not to exceed \$100.00, or one hundred days imprisonment, or both. Penalty for disposing of certificate.

SEC. 4. This act shall be in force upon its approval.

Approved February 20th, 1894.

CHAPTER XV.

CITY JUSTICES OF THE PEACE.

AN ACT to amend an act entitled, "An Act to amend Sections 1761, 1790 and 1791, Compiled Laws of Utah, of 1888, Relating to the Election of Justices of the Peace in Cities," Approved March 4, 1892.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section two (2) of Chapter twenty-four (24) of the Session Laws of Utah, of 1892, be amended by inserting in the twenty-third line of said section, after the word "determine" and before the word "he," the words "for his services while exercising jurisdiction under the ordinances and by-laws of such city, and," and by striking out the word "his" in the twenty-fourth (24) line after the word "for" and inserting the word "said" in lieu thereof.

Salary.

SEC. 2. This act shall take effect and be in force from and after its approval.

Approved February 24th, 1894.

CHAPTER XVI.

EXTENDING BORROWING POWER OF CITIES.

AN ACT Amending Subdivision 6 of Section 1755 s. 1, of the Compiled Laws of Utah, of 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Limit of municipal indebtedness.

SECTION 1. That Subdivision 6 of Section 1755 s. 1, of the Compiled Laws of Utah, of 1888, be amended by striking out the word "four" on line six of said subdivision, and inserting in lieu thereof the word "six."

Repeal.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its approval.

Approved February 26th, 1894.

CHAPTER XVII.

UNIVERSITY LANDS.

AN ACT to Amend Sections 6, 11 and 13, Chapter 62, of the Session Laws of Utah, 1892, Relating to University Lands.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Sections 11 and 13, Chapter 62, of the Session Laws of Utah, 1892, be and they are amended as follows:

SEC. 2. That Section 11 of Chapter 62, of said Session Laws of 1892, is amended by inserting after the word "Utah" and before the word "signed" in the thirteenth line, the words "free of charge." Deed to purchaser free.

SEC. 3. That Section 13, Chapter 62, of said Session Laws, is amended by inserting after the word "lands" and before the word "the" in line three (3), the words "free of charge." Same.

SEC. 4. That Section 6 of said act be amended by adding at the end of said section the following: "Provided: Purchasers of university lands who have taken a term of years to make full payment, may complete the payment at the end of any year, notwithstanding the full term of credit may not have expired." When purchaser may pay up.

Approved February 26th, 1894.

CHAPTER XVIII.

VACATING OR CHANGING PLATS.

AN ACT Amending Chapter 50 of the Laws of Utah, 1890, entitled "An Act Concerning the Laying Out and Platting of Towns."

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

That Chapter 50 of the Laws of Utah, 1890, be and the same is hereby amended by striking out Section 6, and adding thereto the following sections:

Vacating, altering or changing plats

SECTION 6. Any owner or owners of land that has been laid out and platted as hereinbefore provided, may, upon application to the city council of the city wherein said land is situated, or to the county court of any county wherein said land is contained, have such plat, or any portion thereof, or any street or alley therein contained, vacated, altered or changed as hereinafter provided.

Vacating entire plat.

SEC. 7. If it is desired to vacate an entire plat, and the land is situated in any incorporated city, an application in writing signed by all of the owners of the land contained in said plat; and by the owners of land contiguous or adjacent to any street or alley in such plat, shall be made to the city council of the city wherein such land is situated, and in all other cases the application shall be made to the county court wherein said land is contained.

Order to be recorded.

SEC. 8. The city council or the county court shall, at its next regular meeting after the filing of such application, consider the same, and if the said council or said county court be satisfied that the public nor any person will not be materially injured thereby, it shall order such plat to be vacated as prayed for in the petition, which order shall be recorded in the office of the recorder of the county wherein said land is situated.

Vacating part of plat.

SEC. 9. If it is desired to vacate a portion only of any plat or a street or alley therein, application in writing may be made for that purpose to the city council of the city wherein said land is situated, and in all other cases to the county court of the county wherein said land is contained, which petition shall be signed by all the owners of land in the plat of which a portion is to be vacated, and by the owners of land contiguous or adjacent to any street or alley in such plat, to vacate or alter which application is made.

Change to be ordered.

SEC. 10. Upon the filing of such application, the city council or county court, as the case may be, shall, at its next regular meeting, proceed to hear and consider the same, and if the said council or county court be satisfied that the public nor any person will not be materially injured thereby, it shall order such portion of said plat or such street or alley to be vacated, altered or changed as prayed for in the petition, which order shall be duly recorded in the

office of the recorder of the county wherein said land is situated.

SEC. 11. This act shall take effect from and after its approval.

Approved February 26th, 1894.

CHAPTER XIX.

GUARDIANSHIP OF INFANT'S PROPERTY.

AN ACT to Amend Chapter 13, Volume II, of the Compiled Laws of the Territory of Utah, of 1888, entitled, "Procedure of Probate Courts in the Settlement of Estates, and in Guardianship."

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Chapter 13, Volume II, of the Compiled Laws of the Territory of Utah, 1888, entitled, "Procedure of probate courts in the settlement of estates, and in guardianship," is hereby amended by adding thereto the following new sections, to be numbered 4365 a, 4365 b, 4365 c, 4365 d, and 4365 e.

SEC. 4365 a. A general guardian of an infant's property appointed by the probate court must, in the month of January of each year, as long as any of the infant's property or of the proceeds thereof, remains under his control, file in the probate court the following papers:

1. An inventory containing a full and true statement and description by class, of each article or item of personal property of his ward, received by him since his appointment, or since the filing of the last annual inventory, as the case requires; the value by class, of each article or item so received; a list of the articles or items remaining in his hands; a statement of the manner in which he has disposed of each article or item, not remaining in his hands; and a full description of the amount and nature of each investment of money, made by him.

2. A full and true account, in form of debtor and creditor, of all his receipts and disbursements of

Guardian to report annually.

Inventory of Property.

Receipts and disbursements

money, during the preceding year; in which he must charge himself with any balance remaining in his hands, when the last account was rendered, and must distinctly state the amount of the balance remaining in his hands, at the conclusion of the year, to be charged to him in the next year's account.

Balance.

Affidavit to be filed.

What must state.

SEC. 4365 b. With the inventory and account, filed as prescribed in the last section, must be filed an affidavit, which must be made by the guardian, unless, for good causes shown in the affidavit, the probate court permits the same to be made by an agent or attorney, who is cognizant of the facts. The affidavit must state in substance, that the inventory and account contain, to the best of affiant's knowledge and belief, a full and true statement of all the guardian's receipts and disbursements, on account of his ward; and of all money and other personal property of the ward, which have come to the hands of the guardian, or have been received by any other person by his order or authority, or for his use, since his appointment, or since the filing of the last annual inventory and account, as the case requires; and of the value of all such property; together with a full and true statement and account of the manner in which he has disposed of the same, and of all the property remaining in his hands, at the time of filing the inventory and account; and a full and true description of the amount and nature of each investment made by him since his appointment, or since the filing of the last annual inventory and account, as the case requires; and that he does not know of any error or omission in the inventory or account, to the prejudice of his ward. The probate judge must cause to be printed a copy of this and the last section on all letters of guardianship of the property of an infant issued from his court.

To print sections of law on letters of guardianship

Probate judge to make examination.

May be by clerk.

SEC. 4365 c. In the month of February of each year, and thereafter until completed, the probate judge must, for the purposes specified in the next section, examine, or cause to be examined, under his direction, all inventories and accounts of guardians filed since the first day of February of the preceding year; also as to the sufficiency of the surety or sureties named in the bond then in force of such guardian. The examination may be made by the clerk of the probate court, or by a person specially appointed by the

probate judge to make it, who must, before he enters upon the examination, subscribe and take, before the probate judge, and file with the clerk of the probate court, an oath faithfully to execute his duties, and to make a true report to the probate judge. Where the probate judge seasonably certifies in writing to the county court that the examination required by this section cannot be made by him, or by the clerk of the probate court, or by any clerk employed in his office, and paid by the county, the county court must provide for the compensation and payment thereof of a ^{By other suitable person.} suitable person to make the examination.

SEC. 4365 d. If it appears to the probate judge, upon an examination made as prescribed in the last section, that a general guardian of an infant's property, appointed by letters issued from his court, has omitted to file his annual inventory or account, or the affidavit relating thereto, as prescribed in the last section but one; or if the probate judge is of the opinion that the interest of the ward requires that the guardian should render a more full or satisfactory inventory or account; or that the sufficiency of the surety or sureties, named in the bond of such guardian, have become impaired or valueless, the probate judge must ^{Amending deficient report.} make an order requiring the guardian to supply the deficiency, or to give new and sufficient sureties, as the case requires, and to fully comply with all the provisions of this act, and also in his discretion, requiring the guardian personally to pay the expense of serving the order upon him. Where the guardian fails to comply with such an order, within thirty days after it is made; or where the probate judge has reason to believe that sufficient cause exists for the guardian's removal, the probate judge may, in his discretion, appoint a fit and proper person special guardian of the ward, for the purpose of filing a petition in his behalf, for the removal of the guardian, and prosecuting the necessary proceedings for that purpose. ^{Failure to comply.}

SEC. 4365 e. All acts or parts of acts inconsistent with the foregoing provisions are hereby repealed.

Approved February 26th, 1894.

CHAPTER XX.

EXPENSES AT WORLD'S FAIR.

AN ACT Making an Appropriation to Defray the Expense Incurred by the Utah World's Fair Commission in Making an Exhibit for Utah at the World's Columbian Exposition at Chicago, in the years 1892 and 1893.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Appropriation.

SECTION 1. That there be, and is hereby appropriated out of the moneys in the Territorial treasury not otherwise appropriated, the sum of \$60,678.39, or so much thereof as may be necessary, to be drawn on the order of the president and secretary of the Utah World's Fair Commission, to defray the expenses incurred by the commissioners in making an exhibit for the Territory at the World's Columbian Exposition.

Interest.

SEC. 2. The Territorial Auditor is hereby authorized and directed to issue his warrants on the presentation of proper vouchers, and said warrants shall draw interest at not exceeding six per cent. per annum from April, 1894, payable January 1st, 1895.

SEC. 3. This act shall take effect from and after its approval.

Approved February 27th, 1894.

CHAPTER XXI.

RELIEF OF W. J. SHIELDS.

AN ACT to Relieve William J. Shields from a Judgment in Favor of the Territory of Utah, made, entered and docketed against him in the Third District Court, in the case of the People of the Territory of Utah vs. John W. Scott, and William J. Shields.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Remitting
judgment.

SECTION 1. That the Auditor of Public Accounts be and he is hereby authorized and directed to remit,

satisfy and discharge the judgment heretofore made, entered and docketed in the district court of the Third Judicial District of Utah Territory against William J. Shields, on or about the 7th day of October, 1893, for the sum of one thousand six hundred and eighty and 50-100 (\$1680.50) dollars, and twenty-nine (\$29.00) dollars costs, in an action wherein the people of the Territory of Utah were plaintiffs and John W. Scott and William J. Shields were defendants; said action being numbered 935 on the Territorial register of actions in said court, and said judgment being entered in the judgment docket "F" of said court, on page 79, and recorded in the judgment book "M," folio 572; Provided, that the said William J. Shields shall repay to said Auditor the sum of twenty-nine (29.00) dollars and all other costs incurred by the Territory in said action, including fifty dollars attorney's fee. And the said Auditor of Public Accounts for the Territory of Utah is hereby authorized to make appropriate entries in his books to show that the said judgment has been remitted to said William J. Shields in accordance herewith when said costs are paid.

Payment of
costs.

SEC. 2. This act shall take effect on and after its approval.

Approved February 28th, 1894.

CHAPTER XXII.

SCHOOL FOR THE BLIND.

AN ACT to Provide for the Education of Blind Children.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. In connection with the Institution of the Deaf Mutes there is hereby established a School for the Blind.

School for the
Blind.

SEC. 2. The School for the Blind shall be under the control of the same board, governed by the same officers and subject to all provisions of law governing the Institution of the Deaf Mutes.

Control of.

Instruction of
blind children

SEC. 3. It shall be the aim of the school to provide a practical education for the blind children of Utah, who are of sound mind and body, and who, on account of want of sight or defective vision, are incapacitated for instruction in the common schools; and to instruct them in such mechanical arts and trades as will tend to enable them to become self-supporting and useful citizens.

SEC. 4. This act shall take effect on and after its approval by the Governor.

Approved March 1st, 1894.

CHAPTER XXIII.

NEW COUNTIES.

AN ACT Providing for the Location of County Seats and Election of County Officers in New Counties.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Special elec-
tion.

SECTION 1. That whenever any new county is formed in this Territory the Governor shall, within thirty days after the act forming such county takes effect, call a special election to be held in said county within thirty days after such call, for the following purposes:

County seat.

1. To determine by a vote of the registered qualified voters of such county the location of the county seat for such county, and the city, town or village receiving the highest number of votes cast shall be the county seat of such county. Said election shall be held and returns thereof made as provided by law for holding general elections, and the form of ballot to be used in voting upon said question shall be as follows:

Form of ballot.

For county seat of the county of.....(here insert the name of the county and city, town or village for which the voter desires to cast his vote.)

Election of
officers.

2. To elect all county officers made elective by the laws of Utah Territory, which officers so elected shall qualify and give bond within the time and in the

manner as other county officers are required by law to give bonds and qualify; Provided, such officers shall file oaths of office with and to the acceptance of the Governor of the Territory; and the said officers shall hold office until their successors shall be elected and qualified. At the next succeeding general election for county officers there shall be an election of the county and precinct officers of such county the same as for officers of other counties. Succeeding
election.

SEC. 2. All county revenue collected in the year in which such county is organized in the territory comprising such county, shall be its property and shall be turned over to the treasurer as soon as elected and qualified. Revenue.

SEC. 3. That all the property of the county or counties from which a new county may be organized that lies within the territory comprising the new county shall be its property. Property.

SEC. 4. This act shall take effect and be in force from and after its approval.

Approved March 3d, 1894.

CHAPTER XXIV.

AUDITOR TO ENDORSE CERTAIN WARRANTS.

RESOLUTION.

Resolved by the Governor and Legislative Assembly of the Territory of Utah:

That the Territorial Auditor be, and is hereby directed to endorse upon all warrants issued in pursuance of an act entitled, "An Act making an appropriation to defray the expenses incurred by the Utah World's Fair Commission in making an exhibit for the Territory at the World's Columbian Exposition in the years 1892 and 1893," approved February 27th, 1894, the words and figures following: Endorsing
World's Fair
warrants.

This warrant is payable January 1st, 1895, and shall draw interest at the rate of six per cent. per annum from April 1st, 1894, until paid.

Approved March 3rd, 1894.

CHAPTER XXV.

COMPLYING WITH TOWNSITE ACT.

AN ACT Extending Time for Complying with the Provisions of Chapter 5, of Title 2, Volume II, of the Compiled Laws of Utah, 1888, entitled "Rules and Regulations under Townsite Act."

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Chapter 5, of Title 2, of Volume 2, of the Compiled Laws of the Territory of Utah, entitled, "Rules and regulations under townsite act," is hereby amended, and a new section enacted, as follows, to be numbered 2827 b:

SEC. 2827 b. WHEREAS, It is made to appear that many persons, rightful claimants and occupants as enumerated in the aforesaid chapter, have failed to present their applications for lots or parcels of land within the time limited in said act; and, whereas, great injustice will result to claimants unless a remedy be provided for such cases; therefore, be it enacted, that any claimant of any lot, block or parcel of land in any town or city, as defined in said chapter, to which this is amendatory, who shall have failed or neglected to make application for said lot, block or parcel within the time therein provided, may at any time within six months after this act takes effect, make and file the application provided for in said chapter, and the same shall be heard and determined in the same manner, and with like effect as if made within the time prescribed in said original act; Provided, that in no case shall such application be received or entertained by a court of competent jurisdiction if it appears that the title to the lot, block or parcel shall have been heretofore transferred in any manner by such town or city, or adjudged or decreed to any prior claimant by said court; Provided further, that nothing in this act shall be so construed as to enlarge or extend the rights of parties in contest cases now pending in any court.

Approved March 6th, 1894.

Time extended for claimants.

Exceptions.

CHAPTER XXVI.

REVENUE FOR BUILDINGS, ROADS, ETC.

AN ACT Amending Section 2008, of the Compiled Laws, of 1888, as Amended in the Session Laws, of 1890, Chapter XL, Relating to Revenue.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 2008, of Chapter XL, of the Session Laws of 1890, is hereby amended by adding the following:

SEC. 2008 a. Provided, however, that any county court in this Territory may assess a further tax not to exceed two mills on the dollar, for the erection of public buildings or the improving or construction of roads and bridges. Said county court, in the county where said special tax is desired to be levied, shall call a special election of the taxpayers resident in said county. Said election shall be held and conducted in like manner as other county elections are held; those in favor of the tax voting "yes," those opposed "no," and a majority of all the votes cast either for or against shall determine the question. The tax so levied shall be assessed and collected at the same time and in like manner as other county taxes are assessed and collected.

County court
may levy tax.

Special elec-
tion.

SEC. 2. This act shall take effect from and after its approval.

Approved March 7th, 1894.

CHAPTER XXVII.

COLLECTOR IN CITIES OF THE THIRD CLASS.

AN ACT Abolishing the Office of Collector in Cities of the Third Class.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the office of collector of each city of the third class is hereby abolished, and all the duties of said office shall be performed by the city treasurers of their respective cities.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect from its approval.

Approved March 7th, 1894.

Treasurer to
also be col-
lector.

CHAPTER XXVIII.

BRIGHAM YOUNG MEMORIAL.

RESOLUTION.

WHEREAS, There has been organized in this Territory an unincorporated association known and called the Brigham Young Memorial Association, and

WHEREAS, Said association has contracted with C. E. Dallin, a native and resident of Utah, to construct a monument commemorating the life and services of said Brigham Young, costing not less than the sum of \$25,000, upon which contract the sum of \$5,000 has already been paid by said association, and

WHEREAS, It is proposed by the association aforesaid, to erect a bronze statue to the memory of the said Brigham Young, and

WHEREAS, Said Brigham Young was a pioneer of Utah and the founder of the state, and created the prosperous cities of this Territory, being, therefore, worthy to be remembered by all the people, and his

life commemorated as proposed by the association aforesaid; therefore, be it

RESOLVED, By the Governor and Legislative Assembly of the Territory of Utah, that there be, and there is, hereby tendered to the Brigham Young Memorial Association, unincorporated, a site upon the Capitol Grounds, in Salt Lake City, for the erection of said monument, such as may be selected by said association, upon which the contemplated monument to Brigham Young may be erected.

Site on Capitol Grounds tendered for monument.

Approved March 7th, 1894.

CHAPTER XXIX.

ATTORNEYS' FEES.

AN ACT to Amend Section 3460 of the Compiled Laws of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Section 3460 of the Compiled Laws of Utah, is hereby amended by adding to said section, at the end thereof, the following:

In all cases of foreclosure when an attorney or counsel fee is claimed by the plaintiff, no other or greater amount shall be allowed or decreed than the sum which shall appear by the evidence to be actually charged by and to be paid to the attorney for the plaintiff; and if it shall appear that there is an agreement or understanding to divide such fees between the plaintiff and his attorney, or between the attorney and any other person except an attorney associated with him in the cause, only the amount to be retained by the attorney or attorneys shall be decreed as against the defendant. Nothing herein contained shall be deemed to in any wise prevent the court from passing upon the reasonableness of counsel or attorney's fees in such cases.

Amount of fees in foreclosure cases.

This act shall take effect on approval.

Approved March 7th, 1894.

CHAPTER XXX.

RECORDS AND LAND TRANSFERS.

RESOLUTION Authorizing the Appointment of a Commission to Investigate the Systems of Records and Land Transfers, and to Report, etc.

WHEREAS, It is desirable that an improved system of transfers of title to real estate and the methods of keeping the records pertaining to the same, as well as of the courts of the Territory and the several departments of county and municipal government, should be adopted to the end that simplicity and cheapness may be attained; therefore, be it

RESOLVED, That the Governor be and is hereby authorized and requested to appoint a commission of qualified persons not exceeding five (5) in number, who shall act without compensation, to examine into the various systems now in use, and particularly that known as "The Torrens," and report their acts in the premises to the next session of the Legislature, with recommendations by bill or otherwise.

Appointment
of commission

Approved March 7th, 1894.

CHAPTER XXXI.

WITNESSES.

AN ACT Amending Subdivision 3, of Section 3877, of the Compiled Laws of Utah, of 1888, Relating to Witnesses.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Subdivision 3, of Section 3877, of the Compiled Laws of Utah, of 1888, be and the same is hereby amended to read as follows:

3. A party to any civil action, suit, or proceeding, and any person directly interested in the event thereof, and any person from, through, or under whom

Persons who
cannot be wit-
nesses.

such party or interested person derives his interest or title or any part thereof, when the adverse party in such action, suit or proceeding claims or opposes, sues or defends as guardian of any insane or incompetent person, or as the executor or administrator, heir, legatee or devisee of any deceased person, or as guardian, or assignee or grantee, directly or remotely, of such heir, legatee or devisee as to any statement by, or transaction with, such deceased, insane or incompetent person, or matter of fact whatever, which must have been equally within the knowledge of both the witness and such insane, incompetent or deceased person, unless such witness be called to testify thereto by such adverse party, so claiming or opposing, suing or defending in such action, suit or proceeding.

SEC. 2. This act shall take effect and be in force from and after its approval.

Approved March 7th, 1894.

CHAPTER XXXII.

PRIVATE CORPORATIONS.

AN ACT Amending Sections 2277 and 2285, of Compiled Laws of Utah, 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Section 2285 of the Compiled Laws of Utah, 1888, is amended to read as follows:

SEC. 2285. Unless required by the agreement or by-laws no notice need be given of annual or stated meetings of the stockholders. Notice of special meetings shall be given in such manner as may be prescribed in the agreement or by-laws. When not otherwise specified in the agreement or by-laws notice of special meetings of the stockholders shall be given by personal service of the notice upon each stockholder at least five (5) days before the day fixed for the meeting, or by advertisement in some newspaper published in the county in which the principal place of business of the corporation is located, or if none is

Notice of
meeting.

Publication.

published therein then in a newspaper published in an adjoining county, or in the nearest county in which one may be published. If publication be made in a daily newspaper, the notice shall be published in each issue of the paper for a period of two (2) weeks; and if a weekly newspaper, for three (3) successive issues next before the day of meeting.

Removals
from office.

A director or trustee may be removed from office by a vote of stockholders holding two-thirds of the capital stock outstanding at a meeting held after previous notice of the time and place and of the intention to propose such removal. Special meetings of stockholders for this purpose may be called by the president or by a majority of the directors, or by stockholders holding at least one-half of the shares of stock outstanding. Such calls must be in writing and addressed to the secretary, who must thereupon give notice of the time, place and object of the meeting, and by whose order it is called. If the secretary refuses to give the notice, or if there is none, the call may be addressed directly to the stockholders.

Filling va-
cancy.

In case of removal of a director or trustee the vacancy may be filled by election at the same meeting. At all meetings each shareholder shall be entitled to one vote for each share of stock which he or she may have in his or her own right, or any held by him or her in trust for others, as administrator, executor or guardian, and such votes may be given in person or by an authorized agent or proxy.

Cause of re-
moval elimi-
nated.

SEC. 2. Section 2277 is amended by striking out the words "for misconduct."

Approved March 7th, 1894.

CHAPTER XXXIII.

FRUIT TREES AND FRUIT.

AN ACT Authorizing the County Courts to Appoint Fruit Tree Inspectors and to Provide for the Destruction of Fruit Destroying Insects.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. It shall be the duty of the county court of any county in the Territory of Utah where fruit is grown to appoint one or more fruit tree inspectors for such county. County court to appoint inspectors.

SEC. 2. The duties of the fruit tree inspectors of each county shall be to inspect every orchard, vineyard or nursery in such county at such time and under such regulations as the county court shall prescribe. He shall annually report to the county court every item of interest and the result of his labors pertaining to the duties of his office. Duty of inspector.

SEC. 3. It shall be the duty of the probate judge of any county wherein fruit trees are growing, to annually issue his proclamation, stating the time or times when it is prudent and proper to spray fruit trees and to otherwise disinfect orchards that are infested with any kind of fruit destroying insects, in which he shall name two or more formulas that have been used and approved for such purposes. Proclamation by probate judge.

SEC. 4. The inspector shall leave a printed notice with or mail to every owner, occupant, or person in charge of any orchard, vineyard or nursery, produce dealer, storage or commission merchant, or any person handling fruit, on whose premises he shall find any kind of fruit destroying insects, their larvæ or their pupæ, commanding them to disinfect their trees, vines, store rooms and premises in conformity with the proclamation of the probate judge. Such notice must be signed by the inspector, who shall note in the stub of said notice the name of the person so notified and the date on which such notice was served or duly mailed to him. Notice to fruit growers and handlers.

SEC. 5. The county court is hereby authorized and required to provide for the publication of the proclamation required by Section 3, and to formulate such Publication by county court and notice of disinfecting fruits, etc.

rules and regulations as it may deem proper, to govern the actions of the fruit tree inspector in his duties, and to give such public notice as it may deem proper in relation to the disinfecting of store rooms, warehouses and salesrooms where fruits in either a green or dried state may be stored, handled or offered for sale.

Failure to
comply with
notice.

SEC. 6. Any owner, occupant or person in charge of land on which fruit trees are growing who has been notified as provided for in Section 4 of this act to disinfect his trees or vines, who shall fail or neglect without sufficient cause to comply with said notice, shall, after conviction in a court having jurisdiction, be deemed guilty of a misdemeanor.

Disinfecting at
owner's ex-
pense.

SEC. 7. When the owner, occupant or person in charge of any premises shall have been convicted on account of neglect or failure to carry out the provisions of Section 6 of this act, and he still refuses to comply therewith, all infested trees or vines on his premises may be disinfected at the expense of the owner or occupant of said premises.

Failure to dis-
infect.

SEC. 8. Any person who fails to disinfect his store room, warehouse or salesroom as directed by the fruit tree inspector shall be deemed guilty of a misdemeanor.

Importing or
exporting
trees.

SEC. 9. All persons importing or exporting trees in any county must get the inspector's certificate that such trees are free from fruit destroying insects, their larvæ or their pupæ, and a failure or neglect so to do shall subject them to the penalties provided for in Section 8 of this act.

Compensa-
tion.

SEC. 10. The compensation of the fruit tree inspector shall be fixed by the county court and paid out of the county treasury; and all fines collected under the provisions of this act shall be paid into the county treasury.

Fines.

SEC. 11. This act shall take effect from and after its approval.

Approved March 7th, 1894.

CHAPTER XXXIV.

CRUELTY TO ANIMALS.

AN ACT Amending Section 4773, s. 2, of the Compiled Laws of Utah, of 1888, of an act of the Governor and Legislative Assembly of the Territory of Utah, Entitled "An Act to Prevent Cruelty to Animals," Approved March 5th, 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 4773, s. 2, of the Compiled Laws of Utah, of 1888, of an act of the Governor and Legislative Assembly of the Territory of Utah, entitled "An Act to prevent cruelty to animals," approved March 5th, 1888, be and the same is hereby amended by striking out of same the words, "or as a target, or to be shot at, either for amusement, or as a test of skill in markmanship," where they occur in said section; and also the words, "or shooting," in each of the two places where they occur in said section; and by inserting in said section between the words "fighting" and "baiting," wherever said two words occur consecutively in said section, the word "or." Use for targets, etc., permitted.

SEC. 2. This act shall take effect on its passage and approval.

Approved March 7th, 1894.

CHAPTER XXXV.

JUAB AND TOOELE COUNTIES.

AN ACT Establishing and Creating the Boundary Line between Juab and Tooele Counties.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the boundary line between Juab and Tooele counties be and the same is hereby established and located as follows, to-wit:

Defining boundary line.

Commencing at a point where the second standard parallel south intersects the Nevada state line, and running thence east along the said second standard parallel to the divide between Cherry and Faust creeks, thence along the summit of the range between Tintic and Rush valleys to the west boundary line of Utah County.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect upon its approval.

Approved March 8th, 1894.

CHAPTER XXXVI.

IRRIGATION COMPANIES.

AN ACT Providing for the Dissolution of Irrigation Companies

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Dissolution.

SECTION 1. That corporations organized under the provisions of Chapter III, Part Fourth, of the Compiled Laws, 1888, entitled "An Act compiling the laws relating to the incorporation of irrigation companies," may be dissolved under the provisions of Title VI, of the Code of Civil Procedure, entitled "Voluntary dissolution of corporations," being Section 3834 to 3840, inclusive, of the Compiled Laws, 1888.

Approved March 8th, 1894.

CHAPTER XXXVII.

POLICE AND FIRE DEPARTMENTS.

AN ACT to Appoint a Board of Police and Fire Commissioners in certain Cities, and to place the Police and Fire Departments of said Cities upon a Non-partisan Basis.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Within thirty days after the passage and approval of this act, there shall be appointed in ^{Appointment of commissioners.} all cities of 12,000 or more inhabitants, a board of police and fire commissioners, consisting of four persons, residents and legal voters in said cities respectively. The city council of the respective cities aforesaid, shall appoint two persons of different political parties to be members of said board, and the mayors of the respective cities shall likewise appoint ^{Non-partisan.} two persons of different political parties to be members of said board. Of the persons so appointed one who shall have been appointed by the city council, and one who shall have been appointed by the mayor, being of different political parties, shall serve until January 1st, A. D. 1896, and the other two appointees ^{Term of office.} shall serve until January 1st, A. D. 1895; the persons appointed shall draw lots for the long and short term respectively within the limitation of this act. Thereafter the term of office of the members of said boards shall be for two years from and after the first day of January of the year wherein they are appointed and until their successors are appointed and qualified, and the mayors of said cities shall appoint for the odd numbered years and the city councils shall appoint the members of said board for the even numbered years. In case of a vacancy by resignation, death or ^{Vacancy.} otherwise, except the expiration of the term of office of said board, the vacancy shall be filled as hereinbefore directed by the mayor or council as may be and at no time shall there be on said board more than two persons belonging to the same political party, and such member of said board shall serve the unexpired term. Said board shall have power to employ a clerk ^{Clerk.} and to fix his compensation, not to exceed fifteen

hundred (1500) dollars per year, which shall be paid monthly by said cities upon the certificate of said board.

Powers of
board.

SEC. 2. All the powers and duties heretofore conferred upon cities of 12,000 or more inhabitants, either by special enactment or by general law relating to the police and fire departments, are hereby delegated to the board of fire and police commissioners hereby created by this act except as may hereby be restricted by law. Each member of said board shall, before entering upon the duties of his office, take and subscribe to an oath of office and file the same with the city recorder.

Fire depart-
ment.

SEC. 3. The fire departments of cities of 12,000 or more inhabitants, of this Territory, shall consist of the board hereby created, a chief engineer, an assistant engineer, and such other officers and men as the city councils of said city shall direct.

Police depart-
ment.

SEC. 4. The police departments of cities of 12,000 or more inhabitants, of this Territory, shall consist of the board hereby created, a chief and a captain of police, and such other officers and men as the city councils of said cities shall direct.

Appointment
of policemen
or firemen.

SEC. 5. After the appointment and qualification of said board in said cities, no person shall be appointed to any position either on the police force or a member of the fire departments of said cities, except with the approval of three members of said board.

Rules to be
adopted.

SEC. 6. Within thirty days after the members of the board provided by this act shall have been appointed and shall have qualified, said boards in the cities mentioned in this act shall prepare and adopt such rules and regulations to govern the selection and appointment of persons employed on the police force or in the fire departments of said city [as*] shall be adapted to secure the best service for the public, in each department. Such rules and regulations shall provide for ascertaining, as far as possible, the physical qualifications, the habits and the reputation, and standing and experience of all applicants for positions, and the board may provide for competitive examination of some or all in such subjects as shall be deemed proper for the purpose of best determining their qualifications for the positions sought. Such rules and regulations may provide for the classification of positions in

What to pro-
vide.

*Not in the Original.

the service and for a special course of inquiry and examination for candidates in each class. All rules and regulations adopted shall be subject to modification or repeal by a majority of the board at any time.

SEC. 7. The chief of police, and chief engineer of the police and fire departments shall be appointed by the board of commissioners hereby created and retain their positions during good behavior, except in the cases herein otherwise provided. No officer or member of said departments shall be removed except for cause and after public hearing before said board upon charges made in writing; Provided, that in all cities affected by this act, [having*] a chief of police and a chief or engineer of the fire department and appointed or elected under existing laws at the time this act goes into effect, such officers shall only be removed previous to the expiration of their terms of office except for cause, as in this act provided, and at the end of their said terms their successors shall be chosen as herein provided.

Chiefs of departments.

Removal.

SEC. 8. The board hereby created shall supervise and control said fire and police departments, its officers, members, and employes, subject to the ordinances of the respective cities and to the laws of this Territory, and shall see that the officers, members and employes thereof faithfully discharge their duties and that the laws, orders and regulations relating thereto are carried into operation and effect.

Enforcing regulations, etc.

SEC. 9. The board hereby created shall cause the rules and regulations herein provided for and to be prepared and adopted by said board, and all changes therein, to be printed and distributed as it shall deem necessary, and the expense thereof shall be certified by the board to the city recorder and shall be paid by the city. Such rules and regulations shall specify the date when they shall take effect; and thereafter all selections of persons for employment, or appointment, or promotion, either in the police or fire departments of said cities, except the chief and captain of the police departments and the chief engineer and first assistant engineer of the fire departments, shall be made in accordance with such rules and regulations.

Rules to be printed.

Selection and promotion of employes.

SEC. 10. The chief engineer shall be the executive officer of said fire department; the chief of police

Duties of officers.

shall be the executive officer of the police department, and it shall be their duty (and that of the assistant chief engineer and captain of police, and other officers) to see that the laws, orders, rules and regulations concerning the same are carried into effect, and it shall also be the duty of the chief of the fire department to attend to such duties as fire warden as may be required by law, and it shall be the duty of said officers to see that all laws, orders and regulations established in said city to secure police and fire protection are enforced. It shall be their duty to enforce the rules and regulations made from time to time to secure discipline in said police and fire departments, and they shall have power to suspend any subordinate officer, member or employe of their department for a violation of the same and shall forthwith report in writing with the reasons thereof, to the board hereby created for its action; the chief of the fire department shall diligently observe the condition of the apparatus and working of said department and shall report in writing at least once in each month to the said board, upon the same and make such recommendations and suggestions respecting it and for securing its greater efficiency as he may deem proper. In the absence or inability of the chief engineer or the chief of police to act, the assistant chief engineer or captain of police as the case may be, shall assume the duties of said office of chief engineer or chief of police.

Suspension of
subordinate.

Reports.

Assistant
chiefs.

Eligibility and
compensation
of members
of board.

SEC. 11. No member of the city council shall be a member of the board hereby created. For their services the members of said board shall receive no compensation unless the same shall be fixed by ordinance by the city council.

Examinations,
nature of.

SEC. 12. The examinations herein contemplated to be instituted by said board, shall be public and free to citizens and residents of said cities and with proper limitations as to residence, age, health, habits and moral character; the examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the candidates to discharge the duties of the positions in which they seek employment or to which they seek to be appointed, and may include tests of manual skill and physical strength. The board shall control all examinations and may designate suitable persons, either in the official service of the city or not, to

conduct such examinations or any of them, and said board may change such examiners at any time.

SEC. 13. Whenever after the passage and approval of this act, a vacancy shall exist in the office of chief of police or in the office of chief engineer of the fire department, it shall be the duty of said board to appoint proper persons to fill such offices respectively during good behavior, subject to suspension and removal as hereinafter provided.

Vacancy in lower head of police or fire department.

SEC. 14. The board shall have the power, and it shall be the duty of the board, when all the four members thereof concur in the opinion that the good of the service, in either of the departments aforesaid, will be subserved by the removal from office of any of the officers named in Section seven, to remove such officer. In such cases the removal shall be made by a notice to the officer, signed by all the members of the board, and it shall not be necessary to state any cause for such removal; but this section shall not apply to any such officers who may be in office upon the appointment and qualification of said board.

Removals.

SEC. 15. The salary and compensation of all officers and men of the police and fire departments, shall be such as may be fixed by the council of said cities of 12,000 or more inhabitants.

Salaries of policemen and firemen.

SEC. 16. Whenever, after this act takes effect, a vacancy shall exist in the office of captain of police, the chief of police shall nominate and, with the approval of said board, shall appoint a suitable person to such office, to hold during good behavior, subject to suspension and removal as hereinafter provided.

Chief of police to appoint captain, when.

SEC. 17. Whenever, after this act takes effect, a vacancy shall exist in the office of first assistant engineer of the fire department, the chief engineer shall nominate and with the approval of the board shall appoint a suitable person to that office, to hold during good behavior, subject to suspension and removal as hereinafter provided.

Chief engineer to appoint assistant, when.

SEC. 18. All vacancies in either department shall be filled, and all new appointments shall be made by the respective chiefs, with the approval of the board. Where vacancies in old offices or newly created offices can, with safety to the department, be filled by the promotion of officers or men already in service, who have proved their fitness for promotion, the vacancies

Vacancies.

Promotion.

and newly created offices shall be so filled by promotion on the recommendation of the respective chief, with the approval of the board.

Mayor may
suspend.

SEC. 19. The chief of police, the captain of police, the chief engineer of the fire department, and the first assistant of the fire department, each and all of them, shall be subject to suspension from office, for cause, by the mayor at any time. Any officer so suspended shall thereupon cease to exercise the functions of his office until he shall be reinstated. In case of such suspension, the mayor shall, at once, communicate to said board the charge or charges against the officer suspended, and the board shall at once consider and examine the same, giving the suspended officer an opportunity to meet the charges and to be heard in his own defense. After hearing the matter, the board shall determine whether the charges are sustained.

Board to in-
vestigate
charges.

If the charges shall not be sustained by the board, the officer shall be immediately reinstated. If the board shall determine that the charges are sustained, it shall at once determine whether the good of the service requires that the suspended officer shall be removed from office, or shall be suspended from office without pay for a fixed period. The board shall communicate its decision to the mayor in writing. The mayor shall make it public and the decision shall be final and conclusive in all cases.

Dismissal for
cause.

SEC. 20. Except in cases herein otherwise provided no officer or member of said fire or police departments shall be dismissed except for cause nor until after trial, and by an affirmative vote of three members of said board. The accused shall be furnished with a written copy of the charges against him at least ten days previous to the day of trial, and he shall have an opportunity to examine witnesses in his behalf and all witnesses shall be examined under oath and all trials shall be public.

Fire alarm
system.

SEC. 21. The said board shall have charge of the fire alarm system of the said cities and shall have power to establish fire stations in said cities and designate points where fire alarm boxes shall be established.

Accounts and
estimates.

SEC. 22. Said board shall cause accurate books to be kept of all expenditures, materials required, on hand and lost, worn out, or expended in the service, in

either and both departments. It shall give to the city councils, as may be required, estimates of material, its kind and character and probable cost and funds necessary to defray expenses of the said departments and submit the same to the city council; such estimates shall be made and submitted whenever required, and at the end of each fiscal year a complete estimate shall be made covering as nearly as may be the necessary expenses of the ensuing year.

SEC. 23. Said board shall at the end of each fiscal year make a full report to the city council of the condition of each and both departments, showing their operations during the year, which report shall be accompanied by the reports of the chief of police and chief of the fire department, and shall be published separately in pamphlet form for distribution and in numbers, sufficient for exchange with other similar departments within the United States. Annual reports.

SEC. 24. It shall be the duty of the officers and members of the fire department to aid the police department in case of riot or whenever called upon by the mayor so to do, and in such cases to obey the orders of the chief officer in command of the police. The officers and members of said fire department when so acting shall have all the powers of the police. Firemen to aid police, when.

SEC. 25. It shall be the duty of the members of the police department to aid the fire department by giving alarms in case of fire in such manner as the board may direct, and in clearing the streets or grounds in the immediate vicinity of the fire, so that the members of the fire department shall not be hindered or obstructed in the performance of their duties. If any policeman refuses or neglects to give an alarm, as directed in the manner aforesaid, or refuses to obey the orders of the chief officer in command at a fire, he shall forfeit and pay a fine of not less than five or more than twenty dollars. Police to aid firemen. Penalty for refusal.

SEC. 26. The chief engineer and the assistant engineers of the fire departments shall, under the direction of said board, examine all places where shavings or other combustible materials are collected or deposited, and shall report to said board from time to time the condition in this respect of the city; and when said board deem that said materials so collected or deposited are liable to cause fires, it shall order the tenant or occupant of the place where they are Engineers to examine collections of combustibles

deposited to remove them; and if such tenant or occupant neglects or refuses to comply with such order, the said board shall cause such materials to be removed at his expense. . Whoever neglects or refuses to remove such material, or obstructs the said board of engineers in the discharge of the duties hereby imposed, shall be liable to a penalty of not less than five nor more than fifty dollars.

Penalty for obstructing board.

Commissioners, policemen, firemen, etc., not to participate in politics.

SEC. 27. No member of said board or of either department shall, during his term of office, be a member of any party convention, the purpose of which is to nominate candidates for political office, nor shall the officers, members or employes of said fire departments or police departments take any part whatever in any partisan convention held for the purpose of a political party, nor shall any member of the said board, directly or indirectly, attempt to control or influence the action of any member of said police or fire departments or of any employe thereof, in any primary, caucus, or general election. No member of the police or fire departments shall levy, collect or pay any amount of money as an assessment or contribution for political purposes or for the purpose of making any present to any officer of said departments. Any violations of the provisions of this section shall be sufficient cause for suspension or dismissal.

Collections for political purposes or gifts forbidden.

Chief examiner; duties and compensation.

SEC. 28. The board hereby created shall have the power to appoint an officer to be called the chief examiner. The board shall prescribe his duties and his compensation, which shall not exceed five dollars per day for the time actually employed, and he shall be paid by the city on the certificate of the board. He shall be subject to removal at any time by the board, and said board shall have power to change his duties and his compensation at any time as it may deem proper. The board shall have the power to fix and alter at will compensation for any other examiner or examiners appointed by the board, and such compensation shall be paid by the city on certificate of the board.

Additional examiners; compensation.

City council fire and police committees.

SEC. 29. There shall be appointed annually in such cities of 12,000 or more inhabitants, in the month of January of each year, a committee of the city council of said cities on the police and fire departments. It shall be the duty of said committee to examine as often as once in each quarter the records

books and accounts of said board and said departments and to examine and report upon the same to said city councils all applications for appropriations for said departments.

SEC. 30. Provision may be made by the common council of said cities by general ordinance that the salaries of officers and men in the police and fire departments of said cities shall increase with the length of time of service, and it may provide for a sytem of rewards and medals for honorable service. The salaries and compensation of all officers and men in said departments shall be at all times subject change by the city councils of said cities. The city councils shall have the power to provide for an annual pension for life for such members of either service as shall be permanently injured in the discharge of duty.

Salaries,
rewards and
medals.

Pensions.

SEC. 31. The office of marshal of cities of 12,000 or more inhabitants is hereby abolished and the duties, salary and emoluments of present incumbents conferred by law upon said marshals are hereby devolved upon the chief of police of said cities.

Office of city
marshal
abolished.

SEC. 32. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 33. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER XXXVIII.

LARCENY OF ELECTRICITY.

AN ACT to Amend Chapter 5, of Title 13, of the Compiled Laws of Utah, 1888, in Reference to Larceny.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Chapter 5, of Title 13, of the Compiled Laws of Utah, of 1888, be amended by inserting after Section 4652, the following:

"SECTION 4652 a. Every person who, with intent to injure or defraud, makes or causes to be made any

Tapping wire.

connection by wire or other instrument with any cable or wire used for conducting or supplying electricity for power, lighting, heating or other purpose to any burner or orifice by or at which such electricity is used or consumed for lighting, heating, power, or any other purpose, around or without passing through the meter provided for measuring and registering the quantity used or consumed, or in any other manner so as to evade payment therefor, and every person who with like intent injures or alters any electric meter or obstructs its action, is guilty of a misdemeanor."

Interfering
with meter.

Approved March 8th, 1894.

CHAPTER XXXIX.

DEMURRER AND MOTION FOR NON-SUIT.

AN ACT Reserving Exceptions to an Order Overruling a Demurrer or an Order Overruling Motion for a Non-suit.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the pleading over to any action after the overruling of a demurrer shall not be deemed or considered as a waiver of the demurrer.

SEC. 2. That the offering of evidence after the overruling of a motion for a non-suit shall not be deemed or considered a waiving of the exception taken by defendant to the order overruling such motion.

SEC. 3. This act shall take effect from and after its approval.

Approved March 8th, 1894.

Pleading not a
waiver.

Offering
evidence not
a waiver.

CHAPTER XL.

COUNTY AND PRECINCT OFFICERS.

AN ACT Relative to the Appointment and Qualification of County and Precinct Officers.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Each person elected or appointed to any county or precinct office, shall qualify as by law ^{Time to} required, within thirty days after receiving notice of his election or appointment. ^{qualify.}

In case of the failure of any person elected, or re-elected to any county or precinct office, to qualify ^{Failure to} within the time herein prescribed, and in case of a vacancy in any such office by death or resignation, it shall be the duty of the county court of the county to appoint a suitable person to such office, who also shall ^{Filling} qualify as herein prescribed, and in case of his failure ^{Vacancies.} so to do, the county court shall again appoint, and in like manner continue to appoint upon the failure of the appointee to qualify, as herein provided, until the said office is filled.

The person so appointed and qualifying, shall hold office for the unexpired term.

All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 2. This act shall take effect upon approval.

Approved March 8th, 1894.

CHAPTER XLI.

LIENS TO MECHANICS AND OTHERS.

AN ACT to secure Liens to Mechanics and Others, and to Repeal all other Acts and Laws in relation thereto.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Mechanics, material men, contractors, or sub-contractors, builders and all persons of every class performing labor upon or furnishing materials to be used in the construction, alteration, addition to or repair, either in whole or in part, of any building, bridge, ditch, flume, aqueduct, tunnel, fence, railroad, wagon road or other structure or improvement upon land, and also architects, engineers and artisans who have furnished designs, plats, plans, maps, specifications, drawings, estimates of cost, surveys, or superintendence, or who have rendered other like professional service or bestowed labor in whole or in part, describing, illustrating or superintending such structure or work done or to be done or in any part connected therewith, shall have a lien upon the property upon which they have rendered service or performed labor or furnished materials, for the value of such service rendered, labor done or materials furnished, whether at the instance of the owner or of any other person acting by his authority or under him, as agent, contractor, or otherwise, for the work or labor done or service rendered or materials furnished by each respectively, whether done or furnished or rendered at the instance of the owner of the building or other improvement, or his agent; Provided, that a lien or liens shall attach only to such interest as the owner or lessee may have in the real estate. In case of a contract for the work between an owner and a contractor, the lien shall extend to the entire contract price, and such contract shall operate as a lien in favor of all persons except the contractor to the extent of the whole contract price; and after all such liens are satisfied, then as a lien for any balance of the contract price in favor of the contractor; Provided, that if at the time of the commencement to do work, or furnish materials, the owner has paid upon the contract, and in accordance with the terms thereof, any portion of

Mechanics,
etc., have lien

To what shall
attach.

Extent of lien.

the contract price the liens hereby created shall extend only to the unpaid balance of such contract price and of which such laborers and material men shall have had notice. No part of the contract price shall, by the terms of any contract, be made payable, nor shall the same or any part thereof be paid in advance of the commencement of the work, for the purpose of evading or defeating the provisions of this section. No payment made prior to the time when the same is due, under the terms and conditions of the contract, shall be valid for the purpose of defeating, diminishing or discharging any lien in favor of any person except the contractor; but as to such liens such payment shall be deemed as if not made, and shall be applicable to such liens, notwithstanding that the contractor to whom it was paid may thereafter abandon his contract or be or become indebted to the owner, in any amount for damages or otherwise, for non-performance of his contract or otherwise, as to all liens except that of the contractor, the whole contract price shall be payable in money, except as herein provided, and shall not be diminished by any prior or subsequent indebtedness, offset or counter-claim in favor of the owner and against the contractor; except when the owner has contracted to pay otherwise than by cash, in which case the owner shall post in a conspicuous place on the premises a statement of the terms and conditions of the contract, before materials are furnished, or labor is performed, which notice must be kept posted; and when so posted shall give notice to all parties interested of the terms and conditions of the contract. Any person wilfully tearing down or defacing said notice shall be guilty of a misdemeanor. No alteration of any contract shall affect any lien acquired under the provisions of this act. In case of corporations, the lien shall attach to all franchises and privileges that may in any manner pertain to the property against which the lien is claimed. When any person entitled to a lien under the provisions of this section, other than the original contractor, shall have actually commenced to perform labor upon or to furnish materials for any building, improvement or structure herein mentioned, the property shall be charged with the liens by this act provided, and no payment made to the original contractor shall in anywise defeat or impair the claims for such liens.

Evasion.

Payment in cash; exception.

Defacing notice.

Alteration of Contract.

Lien attaches
to real estate,
etc.

SEC. 2. The liens granted by this act shall extend to and cover so much of the land whereon such building, structure or improvement shall be made, as may be necessary for the convenient use and occupation of such building, structure or improvement, and the same shall be subject to such liens, and in case any such building shall occupy two or more lots or other subdivision of land, such lots or other subdivision, shall be deemed one lot for the purposes of this act, and the same rule shall hold in cases of any other such improvements that shall be practically indivisible, and shall attach to all machinery and other fixtures used in connection with any such lands, buildings or structures.

Order of
validity.

No attachment, garnishment or levy under an execution upon any money due to an original contractor from the owner of any property subject to lien under this act, shall be valid as against any lien of a sub-contractor or material man, and no such attachment, garnishment or levy upon any money due to a sub-contractor or material man as herein provided, from the contractor, shall be valid as against any lien of a laborer employed by the day or piece.

Lien on mines,
etc.

SEC. 3. The provisions of this act shall apply to all persons who shall do work or furnish materials for the working, preservation or development of any mine, lode, mining claim or deposit yielding metals or minerals of any kind, or for the working, preservation or development of any such mine, lode or deposit in search of such metals or minerals, and to all persons who shall do work or furnish materials upon any shaft, tunnel, incline, adit, drift, drain or other excavation of any such mine, lode or deposit; Provided, that when two or more such lodes or deposits, owned or claimed by the same person or persons, or where the owners are different persons the same with the consent of all, shall be worked through a common shaft, tunnel, incline, adit, drift or other excavation, then all the mines, lodes or deposits so worked shall, for the purpose of this act, be deemed one mine; Provided, further, that this section shall not be deemed to apply to the owner or owners of any mine, lode, deposit, shaft, tunnel, incline, adit, drift or other excavation when the same shall be worked by a lessee, under bond or otherwise; but, in such case, the persons entitled to a lien under this act shall have

a lien on the leasehold interest and on the ores and mineral bearing rock or dirt mined and excavated by the lessee. Lien on leasehold, etc.

SEC. 4. Whoever shall do work or furnish materials by contract, express or implied, with the owner as in this act provided shall be deemed an original contractor and all other persons doing work or furnishing materials shall be deemed sub-contractors. Original and sub-contractors defined.

SEC. 5. The liens provided for herein are preferred to any lien, mortgage or other encumbrance which may have attached subsequent to the time when the building, improvement or structure was commenced, work done or materials were commenced to be furnished; also to any lien, mortgage or other encumbrance of which the lien holder had no notice and which was unrecorded at the time the building, improvement or structure was commenced, work done, or the materials were commenced to be furnished. The liens herein provided shall relate back to and take effect as of the time of the commencement to do work upon and furnish materials on the ground for the structure or improvement, and shall have priority over any lien or encumbrance subsequently intervening, except a lien herein provided for of the same class, or which may have been created prior thereto, which was not then recorded and of which the lienor under this act did have actual notice. Lien preferred over certain encumbrances

SEC. 6. Every original contractor, within sixty days after the completion of his contract, and every person save the original contractor claiming the benefit of this act, must, within forty days after furnishing the last material, or performing the last labor for any building, improvement or structure, or for any alteration, addition to, or repair thereof, or performance of any labor in or furnishing any materials for any mining claim, file for record with the county recorder of the county in which the property or some part thereof is situated, a claim in writing containing a notice of intention to hold and claim a lien, and a statement of his demand, after deducting all just credits and offsets, with the name of the owner, if known, and also the name of the person by whom he was employed, or to whom he furnished the material, with a statement of the terms, time given and conditions of his contract, specifying the time when Filing notice of lien. ;

What claim shall contain.

the first and last labor was performed or the first and last materials furnished, and also a description of the property to be charged with the lien, sufficient for identification, which claim must be verified by the oath of himself or of some other person. Liens against two or more buildings, mining claims or other improvements owned by the same person or persons may be included in one claim; but in such case the person filing the claim must designate therein the amount claimed to be due to him on each of such buildings, mining claims, or other improvements.

Consolidation
of liens.

Any sub-contractor before commencing to furnish materials or to perform work, or at any time thereafter and before the completion of his contract, may file a statement of claim with the recorder as herein provided, containing a notice of intention to hold and claim a lien, a description of the property to be charged, and the probable value of the work to be done, or the probable value of the materials to be furnished, as near as may be. From the time such statement shall have been filed, he shall have a lien for the work thereafter done, or materials furnished by him, not exceeding the sum stated as the probable value thereof; and in the event of such sub-contractor claiming to have done work, or furnished materials before the filing of such statement, he may include therein a statement of the value of the work already done, or material furnished, as near as may be, for which, to the extent of the sums mentioned, his lien shall likewise attach.

Sub-con-
tractor's lien.

Recording.

SEC. 7. The recorder must record the claim in a book kept by him for that purpose, and from the time of the filing thereof for record, all persons shall be deemed to have notice.

enforcement
lien.

SEC. 8. The liens herein provided for may be enforced by an action in any court of competent jurisdiction, at any time within twelve months after the completion of the original contract or the suspension of work thereunder for a period of thirty days, on setting out in the complaint the particulars of the demand, with a description of the premises to be charged with a lien; and at the time of filing the complaint and issuing the summons, the plaintiff shall cause a notice to be published at least once a week for three consecutive weeks in one newspaper of general circulation, published in the judicial district, notifying all persons

Publishing
notice.

holding or claiming liens under the provisions of this act, on said premises, to be and appear before said court on a day specified therein, and during a regular term thereof, and to exhibit then and there the proof of said liens. On the day appointed, all persons claiming liens against the premises shall appear before said court and exhibit the same, whereupon the court shall proceed to hear and determine the claims in a summary way, or may refer the same to a referee to ascertain and report thereon, and shall enter judgment according to the right of the parties, and all liens not so exhibited shall be deemed to be waived against the property. In every case in which different liens are claimed against the same property, the rank of each lien or class of liens, as between the contractor and sub-contractor, shall be declared and ordered to be satisfied, in the decree, in the following order, viz:

Trial before
court or
referee.

Judgment.

Waiver of lien.

First. Sub-contractors who were laborers or mechanics working by the day or piece, but without furnishing material therefor.

Rank of liens.

Second. All other sub-contractors and all material men.

Third. The original contractors, and the proceeds of the sale in all actions for the satisfaction of liens against the same, improvements or structures, shall be paid in the order above designated, and pro rata to the persons claiming in each class, where the sum realized is insufficient to pay the persons of one class in full.

SEC. 9. The court shall cause the property to be sold in satisfaction of the liens and costs, as in the case of foreclosure of mortgages, subject to the right of redemption of the owner and creditors as provided by law; and if the proceeds of sale, after the payment of costs, shall not be sufficient to satisfy the whole amount of liens included in the decree, then said proceeds shall be apportioned according to the rights of the several parties, and to the several classes in the order as hereinbefore specified. In case of any excess of proceeds of sale, the remainder shall be paid over to the owner; and every person whose claim is not satisfied as herein provided, may have judgment docketed for the balance unpaid, and execution therefor against the party personally liable. As between the owner and the contractor, the court shall apportion the costs according to the right of the

Sale of
property.

Apportion-
ment of pro-
ceeds.

Cost

case, but in all instances sub-contractors shall have thier costs, including the costs of preparing and recording statement of claim, awarded to them, for each claimant exhibiting a lien.

Material not
subject to lien.

SEC. 10. Whenever materials have been furnished for use in the construction, alteration or repair of any building, work or other improvement, mentioned in the first section of this act, such materials shall not be subject to attachment, execution or other legal process, to enforce any debt due by the purchaser of such materials, other than a debt due for the purchase money thereof, so long as in good faith the same are about to be applied to the construction, alteration or repair of such building or improvement. Nothing contained herein shall be construed to impair or affect the right of any person to whom a debt may be due for work done, or material furnished, to maintain a personal action to recover the same.

Assignment of
liens.

SEC. 11. All liens under this act shall be assignable as other choses in action and the assignee may commence and prosecute actions thereon in his own name, in the manner herein provided.

Lien of foundrymen,
boilermakers, etc.

SEC. 12. All foundrymen and boilermakers, and all persons performing labor or furnishing machinery or boilers, or castings, or other material for the construction or repairing or carrying on of any mill, manufactory or hoisting works, shall have a lien on such mill, manufactory or hoisting works, for such work or labor done on such machinery, or boiler or casting or other material furnished by such respectively. And all the provisions of this act respecting the mode of filing, recording, securing and enforcing the liens of contractors and others, and the word superstructure wherever it occurs in this act, shall be applicable to the provisions of this section.

Cancellation
of lien.

SEC. 13. The claimant of any lien filed as provided herein, on the payment of the amount thereof, together with the costs incurred and the fees for cancellation, shall at the request of any person interested in the property charged therewith, enter or cause said lien to be cancelled of record within ten days from the request, and upon failure to so cancel said lien within the time aforesaid, shall forfeit and pay to the person making the request, the sum of twenty dollars per day until the same shall be cancelled, to be recovered in the same manner as other debts.

Penalty for
non cancella-
tion.

SEC. 14. Any person who shall knowingly cause to be filed for record, a claim of lien against any property whatever, which shall contain a greater demand than the sum that is due him, with the intent to cloud the title, or to exact from the owner or person liable, by means of such excessive claim of lien, more than is due him, or to procure any advantage or benefit whatever, shall be deemed guilty of a misdemeanor.

Excessive claim; penalty for.

SEC. 15. The provisions of this act shall not apply to any public building, structure or improvement.

No lien on public buildings, etc.

SEC. 16. An act entitled "An Act to secure liens to mechanics and others, and repeal all other acts and laws in relation thereto," approved March 12th, 1890, is hereby repealed.

Repeal.

Provided, that the repeal of said act shall not affect any right or remedy, nor abate any suit or action or proceeding existing, instituted or pending, under the law hereby repealed.

This act shall take effect upon its approval.

Approved March 8th, 1894.

CHAPTER XLII.

BOARD OF EQUALIZATION.

AN ACT Amending Chapter 23 of the Session Laws of 1892, entitled "An Act Creating a Territorial Board of Equalization for Equalizing Assessments for Taxes in the Territory of Utah and Prescribing its Duties and Powers," Approved March 2, 1892.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 6 of Chapter 23 of the Session Laws of 1892, entitled "An Act creating a Territorial board of equalization for equalizing assessments for taxes in the Territory of Utah and prescribing its duties and powers," approved March 2d, 1892, be and it is hereby amended as follows: By inserting between the word "companies," in the fourth line of said section, and the word "and" next following said

Valuation and assessment of property of railway and other companies.

word "companies," the following words: "Excepting, however, all lands which are not in actual use for the tracks, switches, right of way, depots, stations, yards, shops or terminal facilities nor contiguous thereto, or for some other actual use, or for some necessary appurtenance in the actual operation of the railway, railroad, telegraph or telephone line of any such company, including in this exception all lands commonly known as "grant lands" or which have been granted to any such company by or in pursuance of any act of Congress and which are not in such actual use as aforesaid." And by striking out the word "thereof," in the fourth line of said section, and inserting in lieu thereof the following words: "Of all property which the said Territorial board is hereby authorized to assess and value."

And by inserting between the words "year" and "and," in the sixteenth line of said section, the following words: "Except the lands which are excepted from assessment by said Territorial board as hereinbefore provided;" by inserting between the words "property" and "for," in the seventeenth line of said section, the words "Except the aforesaid excepted lands;" by inserting between the word "its" at the end of the nineteenth line of said section and the word "property" at the beginning of the twentieth line the word "said;" and by adding to said section at the end thereof the following words: "All lands of such companies which are excepted out of the operation of this section so that the same are not assessable or to be valued by said Territorial board of equalization shall, for the year 1894, and every year thereafter, be listed, valued and assessed by the county assessors of the respective counties in which the same are situate, in the same manner as lands owned by individuals. Each such company owning such lands shall make to the county assessor a written statement of all such lands in said county in like manner and at the same time as individual taxpayers are or may be required to make return of their taxable property, verified by the oath of the proper officer of such company, and upon furnishing to the said Territorial board the statement herein required shall forthwith furnish to the county assessor a copy of such statement. The valuation of such lands shall be subject to modification by the

Companies to
make state-
ment.

county board of equalization as in the case of lands owned by individuals."

SEC. 2. This act shall take effect upon its approval.

Approved March 8th, 1894.

CHAPTER XLIII.

POST-MORTEM EXAMINATIONS.

AN ACT Amending Section 4511, of Chapter VI, Compiled Laws, 1888, relating to Post-mortem Examinations.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. After the last word of section 4511, of Chapter VI, Compiled Laws, 1888, add the following words: "Nor to any physician who shall make a post-mortem examination with the consent of relatives or friends of deceased," ^{a Not unlawful, when.}

Approved March 8th, 1894.

CHAPTER XLIV.

TAXING WITNESS' FEES.

AN ACT Amending Section 5447, of the Second Volume of the Compiled Laws of Utah Territory, relating to the Fees of Witnesses and how the same shall be Taxed.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Section 5447 of the second volume of the Compiled Laws of Utah Territory is hereby amended by striking out the following words after

Limitation of
time for mak-
ing claim re-
moved.

the words "per mile," in line 5, to-wit: "Provided, witness' fees shall, in every instance, not be taxed unless the witness appear before the clerk within two days after the trial and claim his fees."

SEC. 2. This act shall take effect from and after its passage and approval.

Approved March 8th, 1894.

CHAPTER XLV.

KINDERGARTENS.

AN ACT Permitting School Boards to Establish Kindergartens.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the school board of any school district in this Territory shall have power to establish and maintain one or more free kindergartens in connection with the public schools of said district, for the instruction of children resident therein and between three and six years of age, and shall establish in case such schools are opened, such courses of training, study and discipline, and such rules and regulations governing such kindergarten schools as said board may deem best; Provided, that nothing in this act shall be construed to change the law relating to the taking of the census of the school population, or the apportionment of Territorial or county school funds among the several counties and districts in this Territory; Provided, further, that the cost of establishing and maintaining such kindergartens shall be paid from the school funds of said districts, and the said kindergartens shall be a part of the public school system, and shall be governed as far as practicable in the same manner and by the same officers as is now, or hereafter may be provided by law for the government of other public schools of this Territory; Provided, further, that teachers of kindergarten schools shall have a diploma from some reputable kindergarten

School district
may establish
free kinder-
gartens.

Cost of main-
taining.

Teachers,

teacher's institute, or pass such examination on kindergarten work as the kindergarten department of the Territorial normal school may direct.

This act shall be in force from and after its approval.

Approved March 8th, 1894.

CHAPTER XLVI.

LABELS, TRADE MARKS, ETC.

AN ACT to Protect Associations, Firms and Persons in their Labels, Trade Marks and Forms of Advertising.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Whenever any person, association or firm, whether incorporated or unincorporated, have ^{Adoption of trade marks, etc.} adopted, or shall hereafter adopt for their protection, any label, trade mark, device or form of advertisement announcing that goods to which such label, trade mark, device or form of advertisement shall be attached, were manufactured by such person, or by a member or members of such association or firm, and who shall have complied with Section 3 of this act, it shall be unlawful for any person or corporation to counterfeit or imitate such label, trade mark, device or form of advertisement. Every person violating this section shall upon conviction be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than two hundred dollars, or both. ^{Penalty for counterfeiting or imitating.}

SEC. 2. Every person who shall use any counterfeit or imitation of any label, trade mark, device or form of advertisement of any such person, firm or association, knowing the same to be counterfeit or imitation, shall be guilty of a misdemeanor. ^{Use of unlawful labels, etc.}

SEC. 3. Every such person, association or firm that has heretofore adopted, or shall hereafter adopt, a label, trade mark, device or form of advertisement as ^{Labels, etc., to be filed for record.}

aforesaid, who desire protection under this act, shall file the same for record in the office of the Secretary of the Territory, by leaving two copies, counterparts or fac-similes thereof, with the Secretary of the Territory, accompanied by a written declaration, verified by the person, or by a member of a firm, or by an officer of an association or corporation applying, to the effect that such party has at the time a right to the use of the trade mark sought to be registered, and that no other person, firm, association or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive, and that the description and fac-similes truly represent the trade mark sought to be registered; said Secretary shall deliver to such person, association or firm so filing the same a duly attested certificate of the record of the same, for which he shall receive a fee of two dollars. Such certificate of record shall in all suits and prosecutions under this act be prima facie evidence of proprietorship and proof of the adoption of such label, trade mark, device or form of advertisement, and of the right of such person, association or firm to adopt the same; Provided, that no trade mark which is simply the name of the applicant or any other person, or any name which is simply descriptive of the article sought to be protected shall be registered under this act. No label, trade mark, device or form of advertisement shall be recorded that would be liable to be mistaken for any label, trade mark, device or form of advertisement already of record.

Verified statement, what to contain.

Secretary to issue certificate.

Trade marks, etc., that shall not be registered.

Enjoining issuance of counterfeit labels, etc.

Damages.

Counterfeits to be destroyed.

SEC. 4. Every such person, association or firm adopting a label, trade mark, device or form of advertisement who have complied with the requirements of this act, as aforesaid, may proceed by suit to enjoin the manufacture, use, display or sale of any such counterfeits or imitations; and all courts having jurisdiction thereof may grant injunctions to restrain such manufacture, use, display or sale, and shall award the complainant in such suit such damages resulting from such wrongful manufacture, use, display or sale, as may by said court be deemed just and reasonable, and shall require the defendants to pay to such person, association or firm the profits derived from such wrongful manufacture, use, display or sale; and said court shall also order that all such counter-

feits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the complainant to be destroyed.

SEC. 5. Every person who shall use or display the genuine label, trade mark, device or form of advertisement of any such person, association or firm in any manner not authorized by such person, association or firm shall be deemed guilty of a misdemeanor. In all cases where such association or firm is not incorporated, suits under this act may be commenced and prosecuted by any authorized officer or member of such association or firm. Unauthorized use of labels, etc. Who may institute suit.

SEC. 6. Any person or persons who shall in any way use the trade mark or seal of any such person, association or firm or officer thereof, in and about the sale of goods or otherwise not being authorized to use the same, shall be guilty of a misdemeanor. Unauthorized use of labels, etc.

SEC. 7. All acts and parts of acts in conflict with this act, and Sections 4551 to 4555 inclusive, Compiled Laws, 1888, are hereby repealed.

Approved March 8th, 1894.

CHAPTER XLVII.

SPECIAL SCHOOL TAX.

AN ACT for the Relief of School Districts that have failed to levy a Special School Tax.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That all school districts that failed to levy a special school tax during the year ending December 31, 1893, for the purpose of building or for other school purposes, may levy such tax for the year 1894 in the manner provided by law, if levied before the 15th day of April, 1894, and such tax shall be Certain school districts may levy special tax for 1894.

assessed and collected at the same time and in the same manner as if it had been levied in the year 1893.

SEC. 2. This act shall take effect from and after approval.

Approved March 8th, 1894.

CHAPTER XLVIII.

FREE LIBRARIES.

RESOLUTION.

WHEREAS, There are now established in this Territory certain free public libraries; and

WHEREAS, other free public libraries may hereafter be established; therefore be it

Furnishing
copies of laws

RESOLVED, by the Governor and Legislative Assembly of the Territory of Utah, that the Territorial Treasurer be and is hereby authorized to furnish to all such free public libraries, free of cost, bound copies of the laws of Utah, upon application of the librarian of said free public libraries.

Approved March 8th, 1894.

CHAPTER XLIX.

VALIDATING DEFECTIVE INSTRUMENTS OF RECORD.

AN ACT to Validate and Make Admissible in Evidence certain Deeds, Conveyances, Mortgages, Powers of Attorney, and Other Instruments Affecting Title to Real Estate, Heretofore Recorded in or upon the Records of the County Recorders of the Several Counties of this Territory, wherein the Same are Defectively Executed, Attested, Acknowledged, Certified, Recorded or Certified of Record, except as against Subsequent Purchasers, Incumbrancers or Assignees.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That all deeds, conveyances, mortgages, powers of attorney, and all other instruments in writing affecting title to real estate, and now copied into the books of record of the office of the county recorders of the several counties of this Territory, shall, after the approval of this act, impart to subsequent purchasers and incumbrancers, and all other persons, notice of all such deeds, conveyances, mortgages, powers of attorney and other instruments in writing, so far and to the extent that they are of record as aforesaid, notwithstanding any defect, omission or informality existing in the execution, attestation, acknowledgment, certificate of acknowledgment, recording, or certificate of recording the same; and all such deeds, conveyances, mortgages, powers of attorney and other instruments, and the records or authenticated copies of the records thereof, shall be admissible in evidence notwithstanding such defects or omissions; Provided, that nothing in this act shall be construed to affect any right or title heretofore acquired by subsequent purchasers, grantees or assignees.

Certain recorded deeds, etc., impart notice, notwithstanding defects.

Admissible in evidence.

Existing right protected.

SEC. 2. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER L.

POWER OF CITY COUNCIL TO GRANT FRANCHISE.

AN ACT Amending Section 1, Chapter LXV, Session Laws, 1892.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Limitation for
use of streets,
etc., by rail-
way or tram-
way.

SECTION 1. That Section 1, Chapter LXV, Session Laws, 1892, approved March 10th, 1892, be and the same is hereby amended by striking out the word "twenty-five," in the last line of said section, and inserting in lieu thereof the word "fifty."

SEC. 2. This act shall take effect upon its approval.

Approved March 8th, 1894.

CHAPTER LI.

POWERS OF TOWN TRUSTEES.

AN ACT to Amend Sections 1824 and 1827, of the Compiled Laws of Utah, in relation to the Organization of Towns.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Subdivision 4, of Section 1824, as now amended by Chapter LIV, of the Session Laws of 1890, be and the same is hereby repealed, and the following enacted in lieu thereof:

Animals at
large.

"4. To regulate or prohibit the running at large of horses, mules, asses, cattle, swine, sheep, goats, geese and all kinds of poultry, within the limits of the town; to establish a pound and appoint a pound-keeper and prescribe his duties, and to distrain and impound animals running at large and to provide for the sale of the same in the same manner as provided for sale of estrays by the laws of the Territory;

the proceeds arising from the sale of such animals, after the payment of all costs, shall go to the town treasury."

SEC. 2. That Section 1827, of the Compiled Laws of Utah, be, and the same is hereby amended by adding to said section, at the end thereof, the following: "The president, or any trustee appointed by the board of trustees to act as such president in his absence, may administer oaths to any person when necessary in the performance of his official duties." President of town may administer oaths

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect upon its approval.

Approved March 8th, 1894.

CHAPTER LII.

DENTISTRY.

AN ACT Regulating the Practice of Dentistry in the Territory of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. It shall be unlawful for any person who is not at the time of the passage of this act engaged in the practice of dentistry in this Territory, to practice dentistry therein unless he or she shall have obtained a certificate as hereinafter provided. who may practice.

SEC. 2. A board of examiners, to consist of five practicing dentists, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this act. The members of said board shall be appointed by the Governor, by and with the advice of the Legislative Council, from the dental profession of the Territory at large. The term for which the members of said board shall hold their offices shall be four years, except that two of the members of the board, first to be appointed under this act, shall hold their office for the term of two years, two for the term Board of examiners created.
Term of office

of three years, and one for the term of four years, respectively, and until their successors shall be duly appointed and qualified. In case of a vacancy occurring in said board, such vacancy shall be filled by the Governor.

Vacancy.

Organization
and meetings
of board.

SEC. 3. Said board shall choose one of its members president and one the secretary thereof, and it shall meet at least once in each year, and as much oftener and at such times and places as it may deem necessary. A majority of said board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to public inspection.

Practicing
dentists to
register.

SEC. 4. Within six months from the time that this act takes effect it shall be the duty of every person who is now engaged in the practice of dentistry in this Territory to cause his or her name and residence or place of business to be registered with said board of examiners, who shall keep a book for that purpose. The statement of every such person shall be verified under oath before a notary public or justice of the peace in such manner as may be prescribed by the board of examiners. Every person who shall so register with said board as a practitioner of dentistry shall receive a certificate to that effect, and may continue to practice as such without incurring any of the liabilities or penalties provided in this act, and shall pay to the board of examiners for such registration a fee of one dollar. It shall be the duty of the board of examiners to forward to the county clerk of each county in the Territory a certified list of the names of all persons residing in his county who have registered in accordance with the provisions of this act, and it shall be the duty of all county clerks to register such names in a book to be kept for that purpose.

Certificate to
issue.

Certified list to
be furnished
county clerk
for registry.

Examination
of applicants.

SEC. 5. Any and all persons who shall so desire may appear before said board at any of its regular meetings and be examined with reference to their knowledge and skill in dental surgery; and if the examination of any such person or persons shall prove satisfactory to said board, the board of examiners shall issue to such persons as they shall find to possess the requisite qualifications a certificate to that effect, in accordance with the provisions of this act. Said board shall also endorse as satisfactory diplomas from any reputable dental college recognized by the

Board to en-
dorse diploma

National Association of Dental Examiners, upon the holder furnishing evidence satisfactory to the board of his or her right to the same, and shall issue certificates to that effect within ten days thereafter. All certificates issued by said board shall be signed by its officers, and such certificates shall be prima facie evidence of the right of the holder to practice dentistry in the Territory of Utah. One member of said board may grant a license to an applicant to practice until the next regular meeting of the board, when he shall report the fact, at which time the temporary license shall expire; but such temporary license shall not be granted by a member of the board after the board has rejected the applicant.

Certificates,
when issued
and how
signed.

Temporary
license.

Violation of
law.

Fees.

Report of
board.

Registry of
certificate.

Penalty for
failure.

SEC. 6. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor.

SEC. 7. In order to provide the means for carrying out and maintaining the provisions of this act, the said board of examiners shall charge each person applying to or appearing before them for a certificate of qualification the sum of five dollars, which fee shall in no case be returned; and out of the funds coming into the possession of the board from the fees so charged and penalties received under the provisions of this act all legitimate and necessary expenses incurred in attending the meetings of said board shall be paid, and no part of the expenses of the board shall be paid out of the Territorial treasury. All moneys received in excess of expenses above provided for shall be held by the secretary of said board as a special fund for meeting the expenses of said board and carrying out the provisions of this act, he giving such bond as the board from time to time shall direct. And said board shall make an annual report of its proceedings to the Governor by the first of December of each year, together with an account of all moneys received and disbursed by them pursuant to this act.

SEC. 8. Any person who shall receive a certificate from the board to practice dentistry shall cause his or her certificate to be registered with the county clerk of the county in which such person may reside, and the county clerk shall charge for registering such certificate a fee of one dollar. Any failure, neglect or refusal on the part of any person holding such cer-

tificate to register the same with the county clerk as above directed for a period of six months shall work a forfeiture of the certificate; and no certificate, when once forfeited, shall be restored, except upon the payment to the said board of examiners of the sum of twenty-five dollars as a penalty for such neglect, failure or refusal.

False claim.

SEC. 9. Any person who shall knowingly and falsely claim or pretend to have or hold a certificate of license, diploma, or degree granted by any society organized under and pursuant to the provisions of this act, or who shall falsely and with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, shall be deemed guilty of a misdemeanor.

Extracting
teeth not pro-
hibited.

SEC. 10. Nothing in this act shall be so construed as to prohibit any person from extracting teeth.

SEC. 11. This act shall take effect and be in force from and after its approval by the Governor.

Approved March 8th, 1894.

CHAPTER LIII.

MILITIA.

AN ACT to Provide for the Organization and Government of the Territorial Militia, and entitled "The Military Code of Utah."

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Who shall be
enrolled.

SECTION 1. Every able bodied male citizen or any person who has declared his intention to become a citizen except as hereinafter provided, resident within this Territory, of the age of eighteen years and under the age of forty-five years, except the following persons, to-wit: Idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of any infamous crime, shall be enrolled in the militia. Persons so convicted after enrollment shall forthwith be disenrolled, and in all cases of doubt respecting

Disenrollment

the age of a person enrolled the burden of proof shall be upon him.

SEC. 2. The county assessors shall annually make a list of persons living within their respective limits, liable to enrollment, and shall file a certified copy thereof with the county clerk, who shall record it in the records of the county, and annually, in September, transmit returns of the militia thus enrolled to the adjutant general.

Assessors to make list.

SEC. 3. In addition to the persons exempted from enrollment as provided in Section 1 of this act and by virtue of the laws of the United States concerning militia, the persons hereinafter mentioned shall also be absolutely exempted from enrollment, namely, all Territorial, county and city officers; and officers who have held or may hold commissions in the regular or volunteer army or navy of the United States; and officers who have held in this Territory, or any other Territory, commissions in the militia for a term of five years; and ministers of the gospel, practicing physicians, superintendents, officers and assistants of any Territorial hospital, almshouse, insane asylum, Territorial penitentiary, or house of correction or reform school, engine men or members of paid fire departments and policemen; Provided, however, that any of the above may volunteer to enlist at any time in any regularly organized company, troop or battery.

Persons exempt from enrollment.

SEC. 4. The enrolled militia, who have been organized into companies, battalions, regiments, and brigades, shall be known as the National Guard of Utah.

National Guard of Utah.

SEC. 5. Every person mustered into the organized militia shall be enlisted for a term of three years, the term of service to begin at noon on the day of enlistment. All soldiers, excepting non-commissioned staff officers, shall be mustered in as privates. Captains shall act as recruiting officers for their companies, troops, or batteries, and regimental commanders for their regiments. Every person recruited shall sign an enlistment roll in form as follows:

Term of enlistment.

I, ———, do hereby enlist in (company, troop, or battery, as the case may be) of the National Guard of Utah, for the term of three years, subject to all the laws, rules and regulations which may govern the same, and I do declare that I know of no impediment

Enlistment roll.

to my serving honestly and faithfully as a soldier for the term of my enlistment.

Commander-in-chief.

SEC. 6. The Governor of the Territory shall be ex-officio commander-in-chief of the militia of the Territory.

Oath.

SEC. 7. The oath or affirmation to be administered to officers and enlisted men upon entering the service shall be as follows: "I, ———, do solemnly swear (or affirm) that I will bear true allegiance to the United States of America and to the Territory of Utah; that I will serve them honestly and faithfully against all their enemies and oppressors whatever, and that I will observe and obey the orders of the President of the United States, the Governor of this Territory and the orders of the officers appointed over me, according to the rules and articles of war for the government of the armies of the United States and of this Territory." The above oath shall be administered by a commissioned officer duly appointed by the adjutant general. Upon the back of every commission shall be printed the following certificate, which shall be signed by the person before whom such officers are qualified:

Certificate.

This certifies that———appeared before me and took and subscribed to the oath required by the laws of Utah and the United States to qualify him to discharge the duties of his office.

Dated this———day of———A. D. 189—.

Governor may organize, etc.

SEC. 8. Whenever he shall deem it necessary, the Governor, as commander-in-chief, may, by his proclamation, require the organization of the enrolled militia of the Territory, or of such portion thereof as may be necessary, and he shall appoint the necessary enlisting officers, and prescribe their duties, issuing all proper orders that may be required in the premises.

Militia may be called out.

SEC. 9. The commander-in-chief shall have power to call out such portion of the organized militia as he may deem necessary to resist invasion, quell insurrection, aid in the suppression of riots, to aid civil officers in the execution of the laws of the Territory, or in time of public danger.

Pay of militia.

SEC. 10. Officers and enlisted men, when serving under the orders of the commander-in-chief under the provisions of the previous section, shall receive pay at the following rates:

Each field officer and surgeon three dollars per day; each line and staff officer, ranking not higher than a captain, two dollars per day; each enlisted man one dollar per day. Necessary transportation and medical attendance, supplies and quarters, shall also be provided for all enlisted men, and a reasonable allowance shall also be made for animals necessarily used.

SEC. 11. Every member of the organized militia who shall fail to respond to a proper call from his commander-in-chief, as provided in Section 9, shall be fined in the sum of not more than one hundred dollars; Provided, that a physician's certificate of physical inability shall be deemed a valid excuse for failure to respond. Penalty for failure to respond.

SEC. 12. All terms of services of the organized militia, when called into active service, shall be for three years, or less, as may be directed by the commander-in-chief. Term of service.

SEC. 13. The staff of the commander-in-chief shall consist of an adjutant general with the rank of brigadier general, an inspector general, a quartermaster and commissary general, a surgeon general, a judge advocate general, each with the rank of colonel, two aides-de-camp, each with the rank of lieutenant colonel. Staff officers.

The Governor shall, by and with consent of the Legislative Council, appoint any or all of the officers provided for in this section, who shall hold their offices during the incumbency of the Governor appointing them, and until their successors are duly appointed and qualified, unless sooner removed by the commander-in-chief. After the first appointments are duly made and confirmed by the council as aforesaid, the Governor shall fill all vacancies that may occur in any of said offices by death, resignation or removal from office, at a time when the Legislative Council is not in session, by temporary appointment until the next meeting of the Legislative Council. A permanent removal from the Territory of any such officer shall be deemed a resignation of his office. Appointment.

SEC. 14. The adjutant general shall issue and transmit all orders of the commander-in-chief, with reference to the militia or military organizations of the Territory, and shall keep a record of all officers commissioned by the Governor, and of all general and Duties of adjutant general.

special orders and regulations, and of all such matters as pertain to the National Guard of Utah, and perform the duties of inspector, commissary and quartermaster general. He shall have charge of the Territorial arsenal and grounds, and shall receive and issue all ordnance, and ordnance stores, and camp and garrison equipage, on the order of the commander-in-chief. He shall have charge of and carefully preserve the colors, flags, guidons, and military trophies of war belonging to the Territory, and shall not allow the same to be loaned out or removed from their proper place of deposit. He shall furnish, at the expense of the Territory, all proper blank books, blanks and forms, and such military instruction books as shall be approved by the commander-in-chief. He shall also, on or before the first day of January next preceding the regular session of the Legislative Assembly, make out a full and detailed account of all the transaction of his office, with the expense of same for the preceding two years, and such other matters as shall be required by the Governor, and shall report at such other times as the Governor shall require, and from all said returns he shall make a report to be filed with the President of the United States and the Secretary of War.

Adjutant general's salary.

SEC. 15. The salary of the adjutant general shall be fixed at five hundred dollars per annum.

Shall give bonds.

SEC. 16. The adjutant general shall give bonds to the Territory in the penal sum of ten thousand dollars, with two sureties at least, which sureties shall be approved by the Governor, conditioned faithfully to discharge the duties of his office, to use all diligence and care in the keeping of military stores and property of the Territory committed to his custody, and to account for and deliver over to his successor such stores and property.

Inspector, quartermaster and commissary generals.

SEC. 17. The inspector, quartermaster and commissary generals shall perform all duties properly pertaining to their offices not in conflict with the provisions of this act.

Surgeon general.

SEC. 18. The surgeon general shall have general supervision of the surgical and medical departments; shall purchase and distribute all hospital supplies, and perform such other duties of his office as the commander-in-chief shall, from time to time, direct.

SEC. 19. The judge advocate general shall be ex-officio chairman of the examining board, as hereinafter provided; shall review all proceedings of court martial, which require the action of the commander-in-chief, reporting thereon in writing; shall bring such suits as are provided for in this act; shall be the legal adviser of the legal department of the Territory in such matters pertaining to the government of the militia as may be referred to him by the commander-in-chief. He shall be a practicing attorney of good repute. All proceedings of court martial shall be held in accordance with the law and customs governing courts martial in the United States army.

Judge advocate general.

Courts martial.

SEC. 20. The inspector general, quartermaster and commissary general, surgeon general and judge advocate general shall each make an annual report, which said report shall be filed with the adjutant general on or before the third Monday in December in each year.

Annual report.

SEC. 21. In time of peace and until January 1, 1896, the organized militia shall consist of not more than three regiments of infantry of twelve companies each, two of cavalry, and two batteries of light artillery, any of which may be organized under the direction of the commander-in-chief. Each battery of light artillery shall be provided with not less than two nor more than four guns.

Force in time of peace.

SEC. 22. The National Guard of Utah shall have a brigade organization, known as the First Brigade, National Guards of Utah, which may be in command of a brigadier general, who may be appointed by the commander-in-chief, by and with the consent of the Legislative Council; said brigadier general may appoint a staff consisting of one assistant adjutant general, with the rank of lieutenant colonel, one medical director, one assistant inspector general, who shall act as paymaster, each with the rank of major, one judge advocate and two aides-de-camp, each with the rank of captain; Provided, that the brigade commander may use his own discretion as to when the strength of his brigade warrants the appointment of any portion of the above named staff.

National guard brigade organization.

SEC. 23. To each regiment there may be one colonel, one lieutenant colonel and three majors, who may each command a battalion. The colonel shall appoint an adjutant, with the rank of first lieutenant,

Regimental organization

one quartermaster, with the rank of first lieutenant, one quartermaster sergeant, one sergeant major, one hospital steward, one drum major who shall rank as sergeant, of field music.

SEC. 24. The organization of companies, troops and batteries of the National Guard of Utah shall be the same as of companies, troops and batteries in the United States army; Provided, that a company of infantry shall contain not more than sixty nor less than thirty-six privates; a company of cavalry not more than sixty or less than forty privates; a battery of artillery not more than twenty nor less than eight men per gun.

SEC. 25. There shall be no separate or unattached companies, troops or batteries in the guard; all shall be attached to a regimental organization.

SEC. 26. A company, troop or battery shall be organized upon the petition of a number of persons subject to military duty equal to the minimum required for the organization proposed. Such petition shall be forwarded to the Governor, who, if it appears to him that the proposed organization is properly composed, that its location is suitable and that it can be made efficient, shall thereupon direct the petitioners to assemble at a convenient time, and then direct the adjutant general to inspect and receive into the service of the Territory for a term of three years, unless sooner discharged, such petitioners and other persons, not less than the minimum required, as in his judgment are proper persons to enter the same. He shall require the persons so received to elect by ballot the officers to be commissioned, and shall require a muster roll of the organization, duly signed by the persons so received, together with a certified statement of said election, showing the names of the officers elected, and such persons so received into the service shall be considered duly enlisted. The commander-in-chief may disband any company, troop or battery when it falls below the proper standard of efficiency, which standard must be determined by the inspector general.

SEC. 27. After the organization of a company, troop or battery, or band, recruits may be enlisted into the same and shall sign their names to an enlistment roll, to be furnished by the adjutant

Company,
troop and
battery
numbers.

Unattached
bodies for-
bidden.

Company,
troop and
battery
organization.

Election of
officers.

Disbandment.

Enlisting
recruits.

general for that purpose, and such signing shall be a legal enlistment.

SEC. 28. On and after the first day of July, 1898, Eligibility of commissioned officers. no person shall hold any commissioned office in the National Guard of Utah who is not a male citizen of the United States, over eighteen years of age and free from the disqualifications mentioned in Section 1 of this act and who has not served at least three years in the National Guard of Utah, or in the regular or volunteer army of the United States, or in the active militia or national guard of some State or Territory of the Union; Provided, that no person above the age of forty-five years shall be disqualified on account of his age from holding office or serving in any organized company; and Provided further, that the Governor may, if in his discretion he deems it advisable, in organizing new companies after that date, to commission persons as officers of such companies, who have not served three years in military service as aforesaid.

SEC. 29. Field officers of battalions and regiments Battalion, regimental and line officers. shall be elected by ballot by the commissioned officers of said organizations, to serve for a term of three years, unless sooner discharged, and line officers shall be elected in like manner by the members of their respective companies, troops or batteries, to serve for a like term. In all cases a majority of all the votes cast at an election shall be necessary to a choice.

SEC. 30. All commissions shall be issued under the seal of the adjutant general's office, signed by the Governor and countersigned by the adjutant general. An officer duly commissioned shall, within ten days after the receipt or tender of his commission, take and subscribe to the required oath, which shall be transmitted to the adjutant general, who shall file the same in his office; Provided, that no officer shall be commissioned without the certificate of the adjutant general as to fitness and qualifications for such commission, after a full and fair examination or satisfactory proof of his fitness and qualifications by reason of sufficient military training; and Provided further, that officers shall have three months from date of election in which to prepare for said examination. All officers failing to appear for, or to pass said examination, shall have their commissions declared vacant and an election shall be ordered to fill the same. No

charge shall be allowed or pay received for any commission issued under the provisions of this act.

Ranking of
commissioned
officers.

SEC. 31. Commissioned officers shall take rank according to the date of their relative commissions. Officers of the same rank commissioned on the same day shall determine their relative rank by lot. An officer re-elected or re-appointed shall take rank according to the date of his original commission.

Commanding
officer.

SEC. 32. The command of any military force, when on parade or called into service under the provisions of this act, shall devolve upon the senior officer, not staff, of such force, unless otherwise ordered by the commander-in-chief.

Resignations.

SEC. 33. The resignation of officers shall be addressed to the commander-in-chief, and transmitted to the adjutant general through the regular military channels, and commanding officers, before forwarding resignations, shall endorse thereon their approval or disapproval, together with all the facts bearing upon the case; but an officer tendering his resignation shall not be considered as having vacated his office or out of the service until his resignation has been accepted.

Discharge of
officers.

SEC. 34. An officer may be discharged by the commander-in-chief upon the sentence of court martial.

Mounted force

SEC. 35. The following officers and soldiers, and none others, are entitled to be mounted: General officers and staff, officers of cavalry and artillery, commissioned field and staff of infantry regiments, cavalry and artillery non-commissioned staff officers, every enlisted man of cavalry, the sergeants, buglers and corporals of light artillery. Eight horses shall be allowed each gun in each battery of light artillery.

Appointments
of certain
officers.

SEC. 36. Commissioned and non-commissioned staff officers and the leader and sergeants of the band of each battalion and regiment, and non-commissioned officers of each company, troop or battery, shall be appointed by the commanding officer of their respective organizations, and each non-commissioned officer shall be furnished with a warrant, signed by the commanding officer of the regiment of which he is a member.

Reducing
officers to
ranks

SEC. 37. Non-commissioned officers of regiments, companies, troops, and batteries may be reduced to the ranks upon conviction by court martial of any of

the following offenses: Drunkenness, disobedience of orders, and conduct prejudicial to good order and military discipline.

SEC. 38. No enlisted man shall be discharged before the expiration of his term of service except for the following reasons: Discharge of enlisted men.

1. Removal of residence from Utah.
2. To accept promotion by commission.
3. Physical debility, certified by a medical officer.

4. Upon conviction of a felony in a civil court.

5. By a two-thirds vote of the company, troop or battery, requesting the discharge of a soldier for being habitually troublesome, or of such a character as to degrade the company, troop or battery.

6. Upon his own application, approved by the commanding officer of the company, troop or battery, which discharge must be signed by the regimental commander.

Dishonorable discharges, or such discharges as forbid re-enlistment, shall be given only in accordance with sentences of court martial.

Each soldier discharged shall be furnished with a certificate of such discharge, which shall clearly state the reason therefor.

SEC. 39. The president of a court martial may issue subpoenas and enforce the attendance of witnesses and punish a refusal to be sworn, as provided for by the articles of war and regulations for the government of the armies of the United States. Witnesses before court martial.

SEC. 40. When fines assessed by a court martial are not paid within thirty days after the sentence is approved by the reviewing officer and returned to the commandant, a list thereof and of the delinquents shall be placed in the hands of the justice of the peace within the precinct in which the delinquents reside, who shall thereupon render judgment against such delinquents separately, together with the costs of suit, without issuing process, and shall issue execution thereon directed to any constable of the proper precinct, who shall collect the same, and the money so collected shall, after deducting the costs, be paid by the said justices to the treasurer of the proper company, troop or battery, for the use of said organization. Collection of fines.

SEC. 41. The commander-in-chief and staff, the Board of Control.

brigadier general, the adjutant general and commanders of regiments and batteries shall constitute the Board of Control, whose duty it shall be to decide upon all points connected with the National Guard of Utah not settled by this act nor left to the decision of the commander-in-chief by this act.

Assembling
for drill.

SEC. 42. Each company, troop or battery shall assemble for drill at least twice in each calendar month, at which time the drill shall continue for two hours, with an interval of fifteen minutes between each hour. Any officer absenting himself from drill without reasonable excuse shall be fined in the sum of two dollars for the first offense and three dollars for each succeeding offense. Any non-commissioned officer or private shall be fined fifty cents for each absence, which fines shall be collectible in any justice's court in the Territory having jurisdiction, by due process of law, brought by the commanding officer of the regiment, company, troop or battery to which the absentee belongs, and shall be turned into the company, troop or battery fund.

Penalty for
absence from
drill.

Army regula-
tions.

SEC. 43. The regulations of the United States army are hereby adopted for the guidance of the National Guard of Utah; the United States drill regulations for infantry, cavalry and artillery shall be exclusively used for drill purposes.

Military
districts.

SEC. 44. The commander-in-chief may divide the Territory in three or more military districts, and thereafter require that every company, troop or battery, battalion or regiment, shall, for the period of eight days once each year, assemble in their several districts for field and camp duty for the purpose of study and instruction in the operations of war, and the Governor shall designate the point in each district where said militia shall assemble.

Field and
camp duty.

Trespassers.

SEC. 45. The commanding officer of any encampment or parade may put under arrest, during such encampment or parade, any person who shall trespass on the parade or encampment ground, or in any way interrupt or molest the orderly discharge of duty by the members of his command, and he may prohibit the sale of all spirituous or malt liquors within one mile of such encampment and enforce such prohibition by force, if necessary; Provided, however, that nothing herein contained shall be construed to interfere with the regular business of any liquor dealer whose place

Sale of liquor
may be pro-
hibited, when.

of business shall be situated within said limits before the commencement of said encampment.

SEC. 46. There shall be a public parade and inspection of every company of the National Guard of Utah, on the thirtieth day of May in each year. Annual public parade.

SEC. 47. The adjutant general shall, at the expense of the Territory, provide the several departments, on their requisition, the necessary rosters, books of record, blank commissions, enlistments, discharges, rolls and other papers required by law and regulations. Books and stationery.

SEC. 48. The service uniform of the organized militia shall be identical with that of the regular army of the United States; and the arms and equipments shall be such as are furnished by the United States government, or used by the United States army. The equipage of each enlisted man shall be as follows, to-wit: One knapsack, one haversack, one canteen, one knife, one fork, one spoon, one combination frying-pan and plate, one rubber blanket, one woolen blanket, all of the United States regular army pattern. The coat buttons shall be of regulation size and pattern, excepting that the coat of arms of the Territory shall be substituted for the eagle as in the regulation United States button. Uniform, arms and equipments.

The letters N. G. U. shall appear on the belt plate.

The uniforms and equipments being issued by the Territory for militia purposes only, shall not be sold or used for other purposes, and is exempt from all civil process.

SEC. 49. There shall be appropriated as a militia fund of the Territory three thousand (\$3000) dollars, which sum shall be expended as may be approved by the commander-in-chief, provided that the sum of \$3000.00 shall cover all expenses incurred under the provisions of this act for the years 1894 and 1895. Militia fund.

Each regiment of infantry and cavalry shall have a band containing one leader with the rank of quartermaster sergeant, two principal musicians with the rank of sergeant, and not more than twenty privates. Regimental band.

SEC. 50. Every officer, non-commissioned officer, musician, and private of the National Guard of Utah shall be exempt from head or poll tax of every description during the time he shall hold a commission Exemptions from poll tax.

as officer or be enrolled as an enlisted man in the National Guard of Utah.

Sales, etc.

The uniforms, arms and equipments of every member of the National Guard of Utah shall be exempt from all suits, distresses, executions or sales for debt or payment of taxes. The members thereof shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at drills, parades, encampments, and the election of officers, and in going to and returning from the same.

Arrest.

Penalty for
misuse of
uniforms, etc.

SEC. 51. Whoever shall secrete, sell, dispose of, or offer for sale, or in any manner pawn or pledge, or retain, or refuse to deliver to an officer entitled to take possession thereof, any uniform, arms, or equipments, or other property, which shall have been procured under the provisions of this act, and any member of the National Guard of Utah who shall, when not on duty, wear such uniform or equipments without the permission of his commanding officer, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than thirty days, or by a fine of not more than one hundred dollars.

Leaving the
Territory.

SEC. 52. No military company shall leave the Territory with arms and equipments without the consent of the commander-in-chief, and any company so offending in this particular, may be disbanded by the commander-in-chief.

Unlawful
military
organization
defined.

SEC. 53. It shall not be lawful for any body of men whatever, other than the regular organized volunteer militia of this Territory, and the troops of the United States, to associate themselves together as a military company or organization, or to drill or parade with arms in any city or town of this Territory; and Provided, that students in educational institutions where military science is a part of the course of instruction, may, with the consent of the Governor, drill and parade with arms in public under the superintendence of their instructors, and may take part in any regimental or brigade encampment under command of their military instructor; and, while so encamped shall be governed by the provisions of this act. They shall report and be subject to the commandant of such encampment; Provided, further, that nothing herein contained shall be construed so as

Military
students.

to prevent benevolent or social organizations from wearing swords.

SEC. 54. All acts and parts of acts inconsistent with the provisions of contained in this act are hereby repealed.

SEC. 55. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER LIV.

ESTRAY ANIMALS.

AN ACT Amending An Act entitled "An Act Providing for the Disposal of Estrays and Animals for Trespass and Damage," Approved March 10, 1892.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section (5) five of Chapter LXX of the Session Laws of 1892 be amended by striking out the word "premises," in line two, and inserting in lieu thereof the words, "improved real property." Describing property in case of trespass.

SEC. 2. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER LV.

INTOXICATING LIQUORS.

AN ACT Regulating the Sale of Intoxicating Liquors.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Sale of liquor
may be for-
bidden on
holidays.

SECTION 1. That the mayor of any incorporated city in this Territory, and the president of any town board of any incorporated town, are hereby authorized, whenever in their judgment the public good shall demand it, to forbid, by proclamation, the sale or disposition in any manner of spirituous, vinous or other intoxicating liquors, upon any day designated or set apart in this Territory as a legal holiday.

Violation.

SEC. 2. Any person, or persons, whether licensed or not, who shall sell, give away, or in any manner dispose of for gain, any spirituous, vinous or intoxicating liquors, upon any day when such sale or disposition shall have been forbidden by proclamation, except for medical purposes upon a prescription issued by a regular practicing physician, shall be guilty of a misdemeanor.

Regarding
physician's
prescriptions.

SEC. 3. Section 2170 of the Compiled Laws of Utah, as amended in the Session Laws of 1890, is hereby amended by inserting the words, "or by proclamation" between the words "law" and "shall" in the fourth line of said section.

SEC. 4. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER LVI.

ENDOWING UNIVERSITY OF UTAH.

AN ACT Authorizing the Endowment of the University of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the regents of the University of Utah, in their corporate capacity, may take by grant, gift, devise or bequest, any property, real or personal, for the use of the university, of any department thereof, or of any professorship, chair or scholarship therein, or for the library, an observatory, workshops, gymnasiums, apparatus, a student's loan fund, or any other purpose appropriate to the university, and such property shall be taken, received, held, managed, and invested, and the proceeds thereof used, bestowed and applied by the said regents, for the purposes, provisions and conditions prescribed by the respective grant, give, [gift*] devise or bequest. Regents may accept gift, etc.

If by the terms of any grant, gift, devise or bequest, such as are described in the preceding paragraph, conditions are imposed which are impractical under the laws of the Territory, such grant, gift, devise or bequest shall not thereby fail, but such conditions shall be rejected, and the intent of the donor carried out as near as may be; nor shall any grant, gift, devise or bequest for the benefit of the university be defeated or prejudiced by any misnomer, misdescription or informality whatever; Provided, the intention of the donor can be shown or ascertained with reasonable certainty. Impractical conditions or informality do not cause failure of grant, etc.

SEC. 2. Any person or persons who may give or bequeath to the university a sum not less than forty thousand dollars for the purpose of establishing a professorship in any department, shall have the privilege of giving name to such professorship. Privileges of maker of endowment.

In like manner, a gift or bequest of not less than twenty-five thousand dollars for the purpose of founding an adjunct professorship, shall entitle the giver to the same privilege.

SEC. 3. Any person or persons who may give to the university a sum not less than fifty thousand dol-

*Not in the Original.

lars for the purpose of establishing a professorship in any department shall have the privilege of giving name to such professorship, and of nominating its first incumbent.

In like manner, a gift or bequest of not less than thirty-five thousand dollars for the purpose of founding an adjunct professorship, shall entitle the giver to the same privileges.

SEC. 4. Any person or persons who may give to the university a sum not less than sixty thousand dollars for the purpose of establishing a professorship in any department shall have the privilege of giving name to such professorship, and of designating the manner in which incumbents in succession forever shall be nominated; Provided, that the board of regents of the university shall have the privilege of rejecting any nomination or of removing any incumbent for cause.

In like manner, a gift or bequest of not less than forty-five thousand dollars for the purpose of founding an adjunct professorship, shall entitle the giver to the same privileges.

SEC. 5. Any person or persons who may give or bequeath to the university a sum not less than ten thousand dollars to found a university fellowship or lectureship in any department shall have the privilege of naming such fellowship or lectureship, and of nominating its first incumbent.

SEC. 6. Any person or persons who may give or bequeath a sum not less than fifteen thousand dollars to found a fellowship or lectureship in any department shall have the privilege of naming such fellowship or lectureship and of designating the manner in which incumbents in succession forever shall be nominated; Provided, that in case of a lectureship the board of regents of the university shall have the privilege of rejecting any nomination or of removing any incumbent for cause.

Scholarships. SEC. 7. University scholarships in the different departments shall be of three different classes, first, second, third, according as the endowment is three thousand, two thousand or one thousand dollars, and any person or persons founding a scholarship of any

class, or in any department, shall have the privilege of naming the same and of nominating its first incumbent.

Approved March 8th, 1894.

CHAPTER LVII.

SALE OF UNIVERSITY LANDS.

AN ACT to Amend Chapter Sixty-two (62), Session Laws of 1892, Authorizing the Sale of University Lands.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 8 of Chapter Sixty-two (62) of the Session Laws of 1892 be and the same is hereby amended by adding thereto the following:

“Provided, that where there is two or more persons ^{Disputed} claiming the right to purchase by having occupied or ^{claims.} improved the same, the commissioners shall not award the right to purchase said land or lands to either party until their respective rights are settled by a court of competent jurisdiction.”

SEC. 2. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER LVIII.

CARBON COUNTY.

AN ACT Creating the County of Carbon and Prescribing its Boundaries.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Boundaries
defined.

SECTION 1. That all that portion of the county of Emery, in the Territory of Utah, lying north of the following boundary line, to-wit, beginning at the intersection of Green River and the third standard parallel south, thence west on said parallel to the summit of the watershed next east of Huntington Creek, and thence following the summit of said divide northwesterly to the intersection of the eastern boundary line of Sanpete County, is hereby made and named Carbon County, and said county is hereby attached to and made a part of the First Judicial District of Utah Territory.

Cause of action,
how and where tried.

SEC. 2. Causes of action, criminal or civil, now pending in any court, which have arisen within the territory described, shall be tried and determined regardless of the creation of Carbon County; and any cause of action now accrued, or criminal offense committed before the passage of this act, within the territory forming Carbon County, where proceedings have not been commenced at the time of the passage of this act, shall be tried and determined in the First Judicial District, except cases cognizable in justices' courts, which cases shall be tried in said Carbon County.

Revenue.

SEC. 3. All revenue assessed or collected in the year 1894, from the territory comprising the new county of Carbon, shall be its property, less the expenses of assessing and collecting, and shall be turned over to the treasurer of said new county, as soon as elected and qualified.

Property.

SEC. 4. That all the property of the county of Emery, that lies within the territory of said county north of the above named boundary line, shall be the property of the new county of Carbon, and all that

lies south of said boundary line shall remain the property of said Emery County.

SEC. 5. This act shall take effect upon its approval.

Approved March 8th, 1894.

CHAPTER LIX.

ILLUMINATING OILS.

AN ACT Regulating the Inspection and Sale of Oils for Illuminating Purposes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. The mayor and council of any city, or the trustees of any incorporated town, or the county court of any county within the Territory of Utah, wherein any coal oil, petroleum or other mineral oils are sold for illuminating purposes, when five or more of the inhabitants petition for the same, shall appoint annually one or more suitable persons not interested in the sale of said oils as inspectors thereof and shall fix their compensation, to be paid by parties requiring the services of said inspectors. Appointment of inspector.

SEC. 2. Every inspector, before entering upon the duties of this office, shall take the usual oath of office, to faithfully discharge the duties of inspector. He shall execute a bond to the Territory in such sum and with such security as shall be approved by the city council, trustees of any incorporated town or county court where appointed, conditioned for the faithful performance of the duties imposed on him by this act, which bond shall be for the use of all parties or persons aggrieved by the acts or neglects of such inspector, and all such persons may sue and recover upon such bond all damages they may have sustained by reason of any breach of duty or of the conditions of such bond. The inspector and his deputies shall provide themselves at their own expense with the instruments, stencils, brands, and stamps necessary for the Shall give bond.

Duties of inspector.

proper performance of their duties, and when called upon for that purpose, they shall, promptly as may be possible, inspect all oils hereinbefore mentioned, and shall reject for illuminating purposes such of them as will emit a combustible vapor at the temperature of one hundred and ten (110) degrees Fahrenheit. The oil tester now used in the state of Ohio and known as the Foster, or any other of like character, apparatus, shall be used by the inspector and his deputies; and in making the test, the oil shall not be heated faster than two degrees per minute.

The inspector shall mark plainly and indelibly on each cask, barrel or package, "approved flash test being one hundred and ten," with his name and title of office; but if said oils so tested shall not meet said requirements then the inspector shall mark on such cask, barrel or package, "rejected for illuminating purposes," together with his name and title of office. Said inspector, while in office, shall not buy, sell, bargain or trade directly or indirectly in any of the said oils. He may appoint deputies, for whom he shall be responsible on his official bond, and who shall perform the duties of inspector. He shall keep an intelligible record of each inspection, made within twenty-four hours thereafter, in a book prepared for the purpose, which shall be open to all parties interested.

Penalty for fraud, etc.

Any inspector found guilty of fraud, deceit or culpable negligence in the performance of any of his duties as prescribed in this section, on conviction, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding one month, or both, at the discretion of the court.

Dealer shall give notice.

SEC. 3. Any dealer who shall neglect to give notice to said inspector of any such oil in his possession not already inspected by any authorized inspector of this Territory within ten days after the same shall have been received into his possession shall be liable to the same penalties provided in Section 2 of this act against inspectors.

Sale of rejected or untested oil; penalty for.

SEC. 4. Any person or dealer, who shall sell or offer for sale to any person in this Territory, any of such oils for illuminating, which shall be below the approved standard, that is, having flash point less than one hundred and ten degrees Fahrenheit, as indicated and determined in the manner described in Section 2 of this act, or before having the same inspected as

herein provided, or if any dealer or inspector of said oils shall falsely brand the package, cask or barrel containing the same, as provided in Section 2 of this act, or procure the same to be done, or shall use barrels, packages or casks having inspector's brands thereon, and the oil therein not having been inspected, he or they so offending, upon conviction thereof, shall be liable to the same penalties provided in Section 2 of this act against inspectors. The casks, barrels or packages containing the same shall be seized and upon judgment of forfeiture or condemnation, in the proper court, shall be sold by any sheriff, at public sale, after giving ten days' notice, one-half of the proceeds of such sale to go to the school fund of the city or school district of the county and the other one-half to the informer; and, further, shall be liable to any person or persons for any damages sustained in consequence of the explosion or ignition of such oil thus unlawfully kept and sold.

SEC. 5. The mayor, marshal or police of any city, and all peace officers of any county in which an inspector is appointed in conformity with Section one of this act, or any one of said officers within their respective city or county, shall cause all persons violating any of the provisions of this act to be prosecuted therefor. Prosecution of offenders.

SEC. 6. This act shall take effect on approval.

Approved March 8th, 1894.

CHAPTER LX.

ESTRAY ANIMALS.

AN ACT to Amend an act entitled "An Act Providing for the Disposal of Estray Animals and for Trespass and Damage," Approved March 10, 1892, and to Repeal Sections 6 to 14, inclusive, of said Act.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Sec. 6. The owner or occupant of any improved real property may Owner of property may
distrain animals. distrain all animals

doing damage on such property and keep them in some secure place and properly care for the same, for twenty-four hours after the doing of such damage. He shall cause said damage to be appraised within twenty-four hours after the same shall have been done, by some disinterested registered voter of the precinct, who shall certify to the same in writing, and which certificate of appraisement may be substantially in the following form, to-wit:

Certificate of appraisement.	Territory of Utah, }	} ss.	Justice's Court,
	County of———		———Precinct.
	———Precinct.		

This certifies that at the request of ——, I have this day appraised certain damage upon (here describe premises upon which damage is done) to (here describe nature of damage) alleged to have been done by (here describe the animals alleged to have done the damage) owned by (here give the name of the owner of the animals if known, and if unknown, state the fact) on the (here give date of the doing of the damage) and after viewing the premises and making due examination and inquiry, I appraise the same at the sum of \$——, and that my fees for making this appraisement are \$——. Number of miles traveled, ——. Number of hours employed in making appraisement,——.

Dated at——, this——day of——, 18—. ———Appraiser.

The appraiser shall deliver said certificate of appraisement to the person damaged, who shall also sign the same and shall use due diligence to find the owner of said animals and for this purpose, shall examine the Territorial brand sheets, in the possession of the constable, and if the owner of said animals is known, and a resident of the precinct, the person damaged shall, within twenty-four hours after the distraining of said animals, deliver to the owner thereof a copy of the certificate of appraisement of damage; if the owner is known, but is not a resident of the precinct where said damage is done, the person distraining said animals shall, within twenty-four hours after said damage shall have been done, deposit in the postoffice, postage prepaid and registered, a letter containing a copy of said certificate of appraisement, addressed to

Search for
owner of ani-
mals dis-
trained.

the owner of said animals, at his known place of residence.

SEC. 2. Sec. 7. If at the expiration of twenty-four hours after the distraining of the animals mentioned in the preceding section, the owner thereof cannot be found, or if found, shall neglect or refuse to pay the damages and costs thereon, the party distraining the same shall forthwith deliver said animals, with a copy of the certificate of appraisalment, to the constable of the precinct wherein said damage is alleged to have been done, and also deliver to the justice of the peace of said precinct, the certificate of appraisalment.

Delivery of
animals and
certificates to
officers.

SEC. 3. Sec. 8. Upon receipt by the justice of the peace, of the certificate of appraisalment, he shall immediately file the same in his office, and make the proper and necessary entries in his docket as in other civil cases, and the said certificate of appraisalment shall constitute the complaint in said case, and the person distraining said animals shall be designated as the plaintiff in all subsequent proceedings in said case, and the owner of said animals, or if the owner be unknown, then the unknown owner of the animals, briefly describing them, shall be designated as the defendant, and the justice shall immediately issue a summons, addressed to the defendant, requiring him to appear before said justice at his office and to answer to said complaint, within five days, after the service upon him of said summons, if served upon him within the precinct for which the justice is acting, and if served out of said precinct, then within said five days, from the date of its service, with one day additional for every twenty-five miles or fractional part thereof of the distance that the defendant may reside from the office of the justice, by the nearest traveled route, and to which summons shall be annexed as a part thereof a certified copy of the certificate of appraisalment in said case, and in other respects said summons shall be the same in form as other summonses in justice's courts in civil actions, and shall deliver said summons to the constable of the precinct for service, and said justice shall hear, try and determine said case in the same manner as other civil cases are tried and determined in justice's courts, and shall in all other respects proceed as in other civil cases.

Action for
damages.

Constable to
receive
animals.

SEC. 4. Sec. 9. The constable shall receive, hold and properly care for, all animals committed to his custody under the provisions of this act, pending the determination of the cause, and shall immediately, upon receipt of the summons hereinbefore provided for, serve the same as follows: First. If the defendant is known and a resident of the precinct, by delivering to him, personally, a copy of the summons, or by leaving at his usual place of residence with some suitable person over the age of fourteen years, a copy thereof. Second. If the defendant be known and is not a resident of the precinct, then by depositing in the postoffice, postage prepaid and registered, a letter containing a copy of said summons, addressed to the defendant at his known place of residence. Third. If the defendant is known and after diligent search and inquiry made by the constable, he shall be unable to discover the defendant or his place of residence, he shall post up three copies of the summons in three conspicuous places in the precinct, one of which shall be at or near the office of the justice; and in addition thereto he shall mail by registered letter a copy of said summons to the county clerk of the county where such damage was done, and the county clerk shall, upon receipt of said summons, post the same in some conspicuous place at or near the court house, and in all cases he shall make his returns in accordance with the facts, and the summons shall be deemed to be served upon the delivery of a copy, the mailing of a copy by registered letter or by the posting of copies as hereinbefore provided.

Service of
summons.

Redemption
of animals
sold.

SEC. 5. The owner of animals sold under the provisions of this act, may at any time within ninety days from the date of such sale, redeem such animals, from the purchaser or assignee, by paying to such purchaser, if he still holds such animals, and if not, then to the holder of such animals, the amount for which such animals were sold, with three per cent. additional, besides all taxes and assessments paid upon said animals since the said sale, together with a reasonable compensation for the care and keeping of said animal. If no redemption of said animals be made within ninety days after the date of such sale, then said sale shall be absolute and vest the title to such animals in the purchaser or his assignee.

SEC. 6. After six months from the date of said sale the net proceeds thereof shall be paid into the county treasury, to the credit of the county fund; Provided, however, that if the owner of said animals shall, within six months from the date of sale, satisfy, by affidavit or otherwise, the justice who heard the case, that he was the owner of such animals at the time of such sale, the justice shall, upon demand of such owner, pay such net proceeds to him, taking his receipt therefor.

Proceeds of
sale, disposal
of.

SEC. 7. The justice shall, at the first session of the county court after the expiration of six months from the date of the sale, report to said county court his proceedings therein, and the disposition of the proceeds thereof.

Justice shall
report.

SEC. 8. The constable in each precinct in this Territory is hereby made the poundkeeper of such precinct, and is entitled to, and is made the custodian of all brand books and brand sheets pertaining thereto, which shall at all reasonable hours and without charge, be open to the inspection of any person; he shall keep a record of all animals impounded by him, with a full description of animals, the cause of their being impounded, the disposition made of them, and if sold, the date and amount for and to whom sold, with such additional facts as may be necessary to a full and complete record of each animal; which said record shall also be open to the inspection of the public at all reasonable hours, and without charge.

Poundkeeper.

SEC. 9. Any person who shall take any animal out of the custody of any person holding for damage under the provisions of this act, either by stealth, force or fraud, or who shall intercept or hinder any person in lawfully taking up, or attempting to take up, such animals for doing damage, is guilty of a misdemeanor.

Taking dis-
trained ani-
mal.

SEC. 11. The provisions of this act shall in no way interfere with existing legal rights of incorporated cities and towns in relation to animals running at large.

Rights of
cities and
towns pro-
tected.

SEC. 12. The fees of appraisers, acting under the provisions of this act, shall be twenty cents per mile one way only, from his place of residence and to the place where the damage is alleged to have been done, and twenty cents per hour for the time

Fees of ap-
praisers.

necessarily spent in viewing and appraising the damage, to be recovered as costs in the case.

Estrays defined.

SEC. 13. That Section three of an act providing for the disposal of estrays, approved March 10, 1892, is hereby amended to read as follows: "All horses, mules, and neat cattle found running at large on which there is no brand, except calves and colts running at large on the premises of any person not the owner, are hereby declared to be estrays."

Repeal.

SEC. 14. That Section 6 to 14 [of*] an act providing for the disposal of stray animals and for trespass and damage, approved March 10, 1892, both inclusive, be and they are hereby repealed.

SEC. 15. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER LXI.

APPEALS FROM JUSTICES' COURTS.

AN ACT Providing for a New Section of the Code of Civil Procedure, Providing for Appeals from Justice' Courts to the District Court.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

That the following section be and the same hereby is added to Chapter II, of Title XII, Code of Civil Procedure:

Appeals in civil and criminal cases.

§ 3662 a. Upon receipt of the papers on appeal the clerk of the district court shall be entitled to a fee of five dollars from the appellant, and if this be not paid within thirty days the respondent shall have the right, after having given reasonable notice to the appellant, to pay such fee and have the appeal dismissed; but if the appellant shall within five days after such notice show to the court good and sufficient reasons for his failure to pay said fee the appeal shall not be dismissed, or if already dismissed shall be reinstated upon refunding to the respondent said fee.

*Not in Original

Nothing herein contained shall be construed as affecting the right of appellants to be exempt from the payment of a fee upon taking the affidavit elsewhere provided for.

The provisions herein contained shall apply to criminal as well as civil cases, and the fee shall be in lieu of all other prepayments previously provided for or made by either party.

This act shall take effect from and after its passage and approval.

Approved March 8th, 1894.

CHAPTER LXII.

NOTARIES PUBLIC.

AN ACT Repealing Chapter XXII, Session Laws of 1892, Relating to Notaries Public.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Chapter XXII, Session Laws of 1892, is hereby amended by striking out Section 2 of said chapter and by enacting in lieu thereof the following:

SEC. 2. Any notary public who shall wilfully affix his signature and seal as notary public to any instrument after the expiration of his commission shall be guilty of a misdemeanor. Affixing seal unlawfully.

SEC. 3. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER LXIII.

DAIRY PRODUCTS AND ADULTERATIONS.

AN ACT to Protect the Dairy Interests of the Territory of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Sale of imitations.

SECTION 1. That any person or persons in this Territory who shall manufacture for sale, or who shall sell, offer or expose for sale, by the tub, firkin, box or package, any article or substance in semblance of butter or cheese, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which any oil, fat or lard, not produced from milk or cream, enters as a compound or a component part, shall distinctly stamp or mark on such tub, firkin, box or package of such article or substance the words "Oleomargarine Butter;" and if containing cheese, the words "Imitation Cheese;" and where retail sales are made of such articles, the seller shall in all cases sell, offer or expose for sale said article from a tub, firkin, box or package stamped or marked as herein stated.

Unlawful imitations.

SEC. 2. It shall be unlawful for any person to coat, powder or color, with any coloring whatever, any "Oleomargarine," "Butterine," or any compound of the same, or any product made in whole or in part from animal fat or animal or vegetable oil not produced from unadulterated milk or cream, whereby the said product shall be made to resemble butter or cheese, the product of the dairy.

Sale of impure milk products forbidden.

SEC. 3. No person or persons shall sell or exchange, or expose for sale or exchange, any unclean, impure, adulterated, or unwholesome milk, or shall offer for sale any article of food made from the same or of the cream of the same.

SEC. 4. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER LXIV.

DOWER.

AN ACT to Amend Section 1, of Chapter LI, Session Laws of 1892.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 1 of Chapter LI, Session Laws of 1892, be amended by substituting the word "died" for the word "was" in line 13 of said section, being line 11 of Section 4119, Compiled Laws, as amended by said section of session laws, and further amending said section by striking out the words "at any time during the marriage" from the line twelve of said Section 4119, as amended by the Session Laws of 1892. ^{Assignment of dower.}

SEC. 2. This act shall take effect and be in force from and after its approval.

Approved March 8th, 1894.

CHAPTER LXV.

BOARDS OF EDUCATION.

AN ACT Providing for Boards of Education, in Cities of the First and Second Classes, Assessing School Taxes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That boards of education, in cities of the first and second classes, may, when in their judgment it is advisable, call an election in each municipal ward of the city, and submit to taxpayers of the school district, whether an increased tax, not to exceed five mills on the dollar, shall be levied for school purposes, and for paying the debts of the district, incurred before the passage of this act. The form of the ballot to be used by said voters shall be "yes tax, — per cent." or "no." ^{Election for tax levy.}

Time of holding election.

SEC. 2. Said election shall be held not sooner than the first day of April and not later than the first day of July in the year the said election is held.

Fixing rate per cent. of tax.

SEC. 3. The rate per cent. of the tax shall be determined by a majority vote of the qualified voters, voting at such election.

Conduct of election.

SEC. 4. The election herein provided for, shall, so far as applicable, be conducted in the same manner as is provided for in Sections 131, 132, 133, and 134 of an act entitled "An Act to provide for a uniform system of free schools throughout Utah Territory," approved March 10th, 1892.

Board of education may borrow.

SEC. 5. In case the said tax is voted at such election, the said board of education of such city is hereby authorized to borrow, for not to exceed six months, money to be expended for such school purposes, an amount not to exceed one-half of the probable tax to be collected by reason of said vote.

Two mills levy protected.

SEC. 6. Nothing in this act shall be construed to prohibit said boards from levying the tax of not to exceed two mills, already provided for by law.

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its approval.

Approved March 8th, 1894.

CHAPTER LXVI.

DISEASES IN SHEEP.

AN ACT for the Prevention of Scab and Other Diseases Among Sheep.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Sheep Inspector.

SECTION 1. That there shall be appointed by the county court of each county in Utah Territory, at its regular session in June, 1894, and biennially thereafter, a practical sheep-raiser, as sheep inspector for

said county, whose term of office shall be two years or until his successor is appointed and qualified.

SEC. 2. The inspector shall be a resident of the county for which he is appointed, and before entering upon the duties of his office shall qualify within twenty days after receiving notice of his appointment by taking the oath prescribed for other county officers and giving a bond in the sum of one thousand dollars, conditioned that he will well and faithfully perform the duties of said office; such bond shall be approved by the probate judge, and filed with the clerk and may be sued on by any person injured through the neglect of duty by said inspector or any of his deputies; Provided, that no suit shall be brought after twelve months have elapsed from the time the cause of action has accrued.

Oath and
bond; liability

SEC. 3. Each inspector may appoint one or more deputies, who shall be practical sheep-raisers, and for whose official acts he shall be responsible, and by whom he may perform any duty required by this act. It shall be the duty of the inspector to advertise in at least one local newspaper, if there be one published in the county, at his own expense, giving the name and post-office address of each of his deputies.

Deputy
inspectors.

Duties.

SEC. 4. It shall be the duty of the inspector to examine all herds or bands of sheep in the county between the first day of October and the fifteenth day of December in each year; and to the owner or person in charge of all sheep found to be free from disease he shall so certify; said certificate shall describe the ear-marks, wool-brands and number of sheep in each herd and be a permit for such sheep to pass into and through any and all counties in the Territory, so long as they remain free from disease, and it shall be his duty to examine any herd or band of sheep at any time at the request in writing of any person or owner of sheep, stating that said sheep are diseased and that there is immediate danger of it spreading; Provided, the person so complaining shall tender the fee for such examination which shall be returned if said sheep are found to be as set forth in said complaint.

Sheep to be
examined.

SEC. 5. Any person or corporation intending to bring or cause to be brought from any other state or territory into Utah Territory or from any county in said Territory into another county, any sheep, must, immediately after crossing the boundary line, first

Examination
of sheep being
moved.

obtain from an inspector duly appointed under this act, a certificate that said sheep are free from contagious disease; said certificate shall contain a description of the ear-marks, wool-brands and number of sheep so inspected, and it shall be the duty of the inspector at the request of any person, corporation or association owning or controlling sheep in the county or within ten miles of the boundary line thereof, upon being tendered the amount of his fees, to, with all convenient speed, examine all the sheep he may be required to examine and, if found free from all infectious and contagious disease, to give a certificate over his official signature setting forth the soundness and freedom from disease of such sheep and issue a permit as provided in Section 4 of this act; Provided, that sheep which have been previously examined by any inspector of this Territory, but have been grazing without the Territory, may return at any time within the year without additional examination; Provided, said sheep are free from disease.

Moving infected sheep.

SEC. 6. Any person, company or corporation desiring to move his or their sheep, which are affected with scab or any infectious disease, shall first obtain from the inspector a traveling permit giving the number of sheep, together with the ear-marks, wool-brand and name of owner or person in charge; Provided, such permit shall only be granted for the purpose of moving said sheep to the nearest convenient place, where they may be treated for such disease, and by such route as the inspector may designate.

Treatment of diseased sheep.

SEC. 7. Whenever, upon examination of any herds or bands of sheep kept or herded in any county in this Territory, the inspector shall find such sheep or any portion thereof affected with the scab or any infectious or contagious disease, he shall forthwith notify the owner or person in charge of said sheep, in writing, to treat said sheep for such disease within a period of fifteen days from such notice, and also during such period to keep said sheep from contact with all other sheep by such means as he may specify, and at the end of twenty days from such notice the inspector shall examine said sheep, and if upon examination he shall find said sheep have not been treated for such disease or have not been kept from contact with all other sheep that are sound, then the owner or lessee of said sheep shall be deemed guilty of a mis-

demeanor, and in case said sheep have not been treated as directed, the inspector shall immediately take possession of said sheep and treat them for said disease, and all expenses incurred in so doing, including the compensation of three dollars per day or part of a day, [while*] he may be necessarily engaged in treating said sheep, together with ten cents per mile necessarily traveled, shall become a lien upon said sheep, and the inspector may hold said sheep until the same is paid; or, if not paid within ten days after such treatment has been completed, he may collect the same, together with costs, in the manner prescribed by law for collecting other obligations. If, however, upon examination at the end of thirty days from such notice as above mentioned, the inspector shall find that said sheep have been treated for said disease, but are still infected with the same, then he shall instruct the owner or lessee of said sheep to treat one or more times as their condition demands, as soon as possible, but with an interval between the treatments of not less than ten days nor more than twenty days. And if upon examination at the end of thirty days the inspector finds that said sheep have been treated but are still affected, then he shall at once take possession of said sheep and treat them as above specified. If, however, he finds on examination they have not been treated, he shall seize said sheep and treat them as provided in this section, and the owner or lessee shall be deemed guilty of a misdemeanor; Provided, that no band or bands of ewes or any part of such bands in which there are ewes with lamb, shall be required to be dipped, at any time between the first day of April and the fifteenth day of June of each year; but they must be held in quarantine and kept separate from sheep that are free from disease, and the owner or lessee shall be responsible for all damages done by reason of such disease.

Quarantining
ewes.

SEC. 8. The sheep inspectors in the several counties of the Territory shall receive three dollars per day for every day or part of day necessarily spent and ten cents per mile necessarily traveled in the performances of their duties, to be paid for by the owner of the sheep so examined as provided for in this act.

Compensation
of inspectors.

*Not in the Original.

Granting permit without inspection.

SEC. 9. Any inspector who shall at any time grant a permit, allowing sheep to travel without having first examined said sheep, shall be guilty of a misdemeanor.

Reporting diseased sheep.

SEC. 10. Any person or persons owning or leasing any sheep, which have become affected with scab or any other contagious disease for a period of thirty days without treating such sheep for said disease, shall report the same in writing to the inspector.

Liability of ownership.

SEC. 11. In any civil action arising under the provisions of this act all persons having any interest in the sheep or controlling the same, against which such action or proceedings is brought, shall be deemed the owner of said sheep and shall be liable severally and jointly for violation of any of the provisions of this act, provided the lessor of any herd of sheep shall not be liable under the provisions of this act.

Inspector's record.

SEC. 12. It shall be the duty of the inspector to keep a book in which he shall record as nearly as practicable the date of inspection, a description of the marks and brands, number of sheep inspected together with the name of each owner and his postoffice address. Said book shall be provided by the county court of each county for the use of the inspector, and at the expiration of his term of office he shall turn over to his successor all books and papers pertaining to said office.

Estray sheep.

SEC. 13. If any person or company herding or driving sheep in any county in this Territory shall get into their herd any estray sheep they shall immediately notify the owner thereof if known, or if the owner be unknown he shall forthwith notify the inspector of the county, giving the number of sheep together with the marks and brands, and it shall be the duty of the inspector, upon receipt of such notice, to immediately examine the records of marks and brands of sheep inspected, and if the marks and brands mentioned in said notice appear on said records he shall immediately forward to the person owning such marks and brands a copy of such notice; he shall also record the description of such marks and brands and the number of sheep mentioned in said notice together with the name and address of the person having such sheep, in the above named record.

Liability for damage from diseased sheep.

SEC. 14. Any person, persons or corporation owning or having in their possession or under their

control any sheep that are affected with scab or any other contagious disease shall be held responsible for all damages sustained by other sheep, by reason of such scab or contagious disease; and the same may be collected as other claims for damage are collected; Provided, that no damage shall be claimed after twelve months have elapsed from the time the cause of action has occurred.

SEC. 15. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

SEC. 16. All acts or parts of acts inconsistent with the provisions of the foregoing sections are hereby repealed.

Approved March 8th, 1894.

CHAPTER LXVII.

BEFOULING WATERS.

AN ACT to Repeal Subdivision 3 of Section 2264, of the Compiled Laws of Utah, of 1888, in Relation to the Befouling of Waters.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Subdivision 3 of Section 2264, of the Compiled Laws of Utah, of 1888, be and the same is hereby repealed, Corraling cattle, etc., near stream.

SEC. 2. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER LXVIII.

ANIMALS KILLED OR INJURED ON RAILWAYS.

AN ACT to Require Railroad Corporations to Post Notices of Description and Number of Stock Killed and Injured,

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Notice of injured stock to be posted.

SECTION 1. Every person, company or corporation, operating a railway or railroad within this Territory, who shall injure or kill any live stock of any description, by the running of any engine or engines, car or cars, over or against any such live stock, shall, within three days next after such injury or killing of any such live stock as aforesaid, post up at the first railway station in each direction from the place of such injury or killing of such live stock, a notice in writing, in some conspicuous place on the outside of each of such stations, in which said notice shall be contained the number, kind and full description of each of such animals so injured or killed, with the time and place as near as may be, of such injury or killing of said animals, which said notice shall be dated and signed by some officer or agent of such person, company or corporation so operating such railway.

Penalty.

SEC. 2. Every person, company or corporation, who shall wilfully fail, neglect or refuse to comply with the provisions of Section 1 of this act shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding (\$50.00) fifty dollars.

Approved March 8th, 1894.

CHAPTER LXIX.

SCHOOLS.

AN ACT to Amend Chapter LXXX, of the Session Laws of 1892, entitled "An Act to Provide for a Uniform System of Free Schools throughout Utah Territory."

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 2, of Chapter LXXX, of the Session Laws of 1892, is hereby amended as follows, to-wit: By striking out that part beginning in line 5, with the word "he," and extending to and including the word "treasury," in line 9, and substituting therefor the following: "It shall be the duty of the Territorial Auditor to notify the Commissioner of the amount of money in the Territorial treasury to the credit of the district school fund on the 31st days of March and December of each year. Within ten days after receiving such notification, the Commissioner shall apportion said fund among the several counties and cities of the first and second class in the Territory;" also by inserting in line 11 after the word "county," the words "or city;" also by inserting in line 12, after the word "counties," the words "and cities;" also to strike out all that part beginning in line 12 with the word "and," and extending to and including the word "basis," in line 15; also by inserting on the 16th line before the word "superintendent," the words "and city;" also by inserting in line 21 between the fourth word, "county," and the fifth word, "for," the following: "Or the treasurer of each city district, as the case may be;" also by inserting in line 21 after the last word, "county," the words "or city."

SEC. 2. That Section 3 is hereby amended by inserting at the beginning thereof the following: "The Commissioner shall provide and keep a seal by which his official acts and copies of all papers and documents filed in his office may be certified, and when so certified, saidcopies shall be received as evidence in all courts of this Territory equally and in like manner as the original;" also by inserting in line 14, after the word "year," and before "and," the following: "Dur-

Apportion-
ment of funds.

Commission-
er's seal.

Visits.

ing the time that the district schools are in session, and shall visit the principal schools and district school boards."

Decision of commissioner.

SEC. 3. By inserting as a part of Section 4, after the last word thereof, the following: "And his decisions shall be held to be correct and final until set aside by a court of competent jurisdiction or by subsequent legislation."

Including cities.

SEC. 4. That Section 5 is hereby amended by inserting in line 3, of Subdivision 5, after the word "county," the following: "and city of the first and second;" also in the next line after the word "county," by inserting the following: "and city of the first and second class."

Commissioner's report.

SEC. 5. That Section 6 is hereby amended by inserting in line 3, after the word "matters," the words "as he may deem proper."

County superintendent's monthly statement.

SEC. 6. That Section 18 is hereby amended by striking out, in line 5, the words "three months," and by inserting in lieu thereof the word "month."

Teacher's qualifications.

SEC. 7. That Section 22 is hereby amended by inserting in line 6, after the word "experience," the words "and ability."

University normals receive first grade certificate.

SEC. 8. That Section 24 is hereby amended by striking out the word "third" in line 15, and substituting therefor the word "first."

Election of trustees.

SEC. 9. That Section 30 is hereby amended by striking out lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, excepting the word "said," in line 11, and substituting therefor the following: "On the second Monday in July, 1896, there shall be elected by the registered voters residing in each school district, except in school districts provided for in Article XV of this act, three school trustees, one to serve for the term of three years, one for the term of two years, and one for the term of one year and until their successors are elected and qualified. On the second Monday in July, 1897, and annually thereafter, there shall be elected by the registered voters residing in each school district, except in school districts provided for in Article XV of the Session Laws of 1892, one school trustee to serve for the term of three years and until his successor is elected and qualified."

SEC. 10. That Section 31 is hereby amended by striking out "on or before the second Monday in January in each year," in line four of said section, and by inserting in lieu thereof, "within 20 days of their election."

Organization
of trustees.

SEC. 11. That Section 48 is hereby amended by striking out, in line 10 of said section, the word "twelve" and substituting in lieu thereof the word "eight."

Discontinuing
schools.

SEC. 12. That Section 49 is hereby amended by striking out in lines 2 and 3 the words "tenth day of August," and inserting in lieu thereof the words "second Monday in July of each year."

Report of dis-
trict board.

SEC. 13. That Section 51 is hereby amended by striking out in lines 6 and 7 the words "Tuesday next after the first Monday in November, 1892, and on the same day in 1893 and bienially," and substitute in lieu thereof the words, "second Monday in July, 1894, and annually."

SEC. 14. That Section 78 is hereby amended by striking out in line 3 the word "twelve," and substituting therefor the word "eight."

Closing school
by county su-
perintendent.

SEC. 15. That Section 82 is hereby amended by inserting after the sixth subdivision of said section the following: "Provided, that in case the county treasurer shall, upon the presentation of a warrant from the county superintendent, refuse to pay the same, the county court shall cause suit to be instituted against him on his bond."

Suing county
treasurer.

SEC. 16. That Section 91 is hereby amended by striking out the word ten, in line 5, and substituting in lieu thereof the word twenty.

Notice of elec-
tion on bond-
ing.

SEC. 17. That Article XV be amended so as to read as follows:

ARTICLE XV.

SEC. 100. All cities of the first and second classes shall be governed by the provisions of this article.

Cities of first
and second
classes con-
stitute one
district.

SEC. 101. Each city subject to the provisions of this act and all territory which shall hereafter be added thereto, shall constitute one school district, and public schools therein shall be free to all residents of said district between the ages of six and eighteen years.

Control.

All public schools and property therein shall be under the direction and control of the board of education.

District outside of city may be included.

Provided, that the board of education of cities of the second class, with the consent of the county court of the county within which such city is situated, may detach therefrom any portion of the territory included therein and may also attach to said school districts or a part thereof any territory contiguous thereto, and such added territory shall be subject to all the provisions of this act for levying and issuing bonds, and the residents of such added territory may vote at all elections provided for by this act in the municipal ward adjoining thereto.

Board of education.

SEC. 102. The board of education in cities of the first class shall consist of two members to be elected by and from each municipal ward of the city, whose term of office shall be two years and until their successors are elected and qualified. On the first Wednesday in December of each year there shall be elected one member of said board from each municipal ward from cities of the first class, who shall qualify on or before and take their seats at the first regular meeting of the board in January thereafter.

Elections in cities of the first class.

Election in cities of the second class.

The board of education in cities of the second class shall consist of one member to be elected by and from each municipal ward of the city, whose term of office shall be for two years and until his successor is elected and qualified.

On the first Wednesday in December, 1894, and biennially thereafter, there shall be elected one member of said board from each municipal ward of cities of the second class, who shall qualify on or before and take their seats at the first regular meeting of the board in January thereafter.

Qualifications of members.

Every member of the board shall be and remain a resident qualified registered voter in the municipal ward from which he is elected, and the board of education is hereby required to fill any vacancy that may occur through non-residence or any other cause, until the next election of members of the board; Provided, that any vacancy occurring previous to the annual election having an unexpired term shall be filled for such unexpired term at the first school election thereafter, and the ballots shall be as follows:

“To fill the unexpired term——”

Vacancies.

ORGANIZATION OF THE BOARD.

The members elected as herein provided shall, before entering upon the discharge of their duties, take and subscribe an oath of office, and take their seats at the first meeting of the board in January after their election, and organize by electing from their number a president and a vice-president, whose term of office shall be for one year and until their successors are elected and qualified. Organization.

They shall also elect a clerk, and treasurer, who shall be registered voters in the school district, and whose term of office shall be one year and until their successors are elected and qualified. Clerk and Treasurer.

The board of education shall have power to appoint all officers that in its judgment may be necessary to fully carry out the provisions of this act for the protection and improvement of school property and promotion of the interests of the schools and remove the same at pleasure, and may require any such officer to give bonds to the board in such sum as it may prescribe. Other officers.

The oath of office and bond of the clerk shall be filed with the treasurer and all others shall be filed with the clerk. Filing oath and bond.

SEC. 103. At the first meeting of the board in June, a superintendent of schools shall be elected, who shall subscribe an oath of office and enter upon his duties on the first day of July thereafter, whose term of office shall be one year and until his successor shall be elected and qualified; Provided, that the superintendent-elect shall be the chairman of the board of examiners for any examination of teachers that may be held in June. Superintendent.

The school year shall commence with the first day of July annually and close at the last day of June following. The annual reports of the president, superintendent and the several committees shall be presented to the board on or before the third Monday in July of each year. School year. Reports.

SEC. 104. The board of education may provide for the compensation of its members on duly verified vouchers, under such regulations as it may adopt, for sessions of the board and of its committees actually attended, and for services actually rendered under the direction of the board, not to exceed twenty-five Compensation.

dollars per month for each member; Provided, that the board may, in addition, compensate any member for services of a special nature done under its direction. Persons having served as members of a board since March 13th, 1890, and not heretofore compensated, as such, shall be paid by such board such compensation as other members for like services have received.

School census.

SEC. 105. The board of education shall appoint suitable persons for each ward who shall act as enumerators for school population for said ward, and visit every house therein between the 15th and 31st days of July of each year, who shall enter upon lists the name of every person between the age of six and eighteen years residing in such ward.

Contents of lists.

Said enumeration lists shall contain all the information required by law, and the commissioner of schools, and such other information as the board of education may require.

Filing of lists.

SEC. 106. The enumeration lists shall be filed with the clerk of the board as soon as completed, and not later than the 10th day of August.

Report to commissioner of schools.

Immediately thereafter the clerk of the board shall make out and forward to the commissioner of schools for Utah the number of children of school age residing in the district, together with the annual financial and statistical report for the past school year and such information as the law requires, and thereupon the commissioner of schools shall allot to such city or school district a proper pro rata of school funds subject to allotment, and shall apportion the amount due said city and certify the same to the board of education of said city.

DUTIES OF THE PRESIDENT.

President.

SEC. 107. It shall be the duty of the president to preside at all meetings of the board; to appoint all committees and to sign all warrants ordered by the board of education to be drawn upon the treasurer for school moneys.

Vice-president

In case of the absence or disability of the president his duties shall be performed by the vice-president.

DUTIES OF THE CLERK.

SEC. 108. Before entering upon the discharge of his duties, the clerk shall give a bond to the board of education of such city in such sum as the board of education may prescribe, with good and sufficient sureties, to be approved by the board, conditioned for the faithful performance of his duties, and shall qualify according to law. Bond of clerk.

SEC. 109. It shall be the duty of the clerk to attend all meetings of the board, keep an accurate journal of its proceedings, have the care and custody of the seal, record and papers not otherwise provided for; countersign all warrants drawn upon the treasurer by order of the board; keep an accurate account of all moneys paid to the treasurer on account of said board, and from what source received, and all moneys paid on orders drawn on the treasurer by order of said board, and prepare and submit to the board an annual statement, under oath, of the receipts and disbursements during the year ending June 30th, which statement the board shall cause to be published in a newspaper having general circulation in said city, showing: Duties of clerk. Annual statement, what to contain.

First.—The amount on hand at the date of last report; the moneys received since the last report, and from what source received.

Second.—The amount of sinking fund and how invested.

Third.—The moneys paid out, to whom and for what paid.

Fourth.—The balance of school moneys on hand.

Fifth.—The number, date and amount of every bond issued and redeemed under the authority given in this act, and the amount received and paid therefor; and perform such other duties as the board and its committees may require. He shall receive for his services such compensation as the board may fix and determine. Compensation.

DUTIES AND BOND OF TREASURER.

SEC. 110. The treasurer of the board of education shall subscribe to the oath of office and give a bond to the board with sufficient sureties and in such sum as it may require, said oath and bond to be approved by the board and filed with its clerk. He Bond, report, compensation, etc., of treasurer.

shall prepare and submit in writing a monthly report of the receipts and disbursements of his office, and pay out of school moneys only upon a warrant signed by the president or in his absence by the vice-president, and countersigned by the clerk, and perform such other duties as the board may require. The treasurer shall receive for his services such amount as the board of education may fix and determine.

The board may also require the treasurer to keep his office and records in the office of the board.

POWERS OF THE BOARD.

Body corporate.

SEC. 111. The board of education of said city shall be a body corporate under the name of "The Board of Education of the city of——," and shall have an official seal conformable to such name, which shall be used by the clerk in the authentication of all matters requiring it. And said board in the name aforesaid may sue and be sued; may take, hold, lease, sell and convey real and personal property as the interests of the schools may require. The members thereof shall have the power and authority to administer oaths in proof of claims and accounts against said corporation, and no such claim or account except salaries of teachers and janitors shall be audited or allowed by the board of education unless the correctness of the same shall be proved under oath.

Powers and duties of board.

SEC. 112. The board of education of said city shall have power and authority to purchase or sell school house sites and improvements thereon, construct and erect school buildings and furnish the same; establish, locate and maintain primary schools, graded schools, grammar schools, high schools, and industrial or manual training schools; establish and support school libraries; purchase, exchange, repair and improve the school apparatus, books, furniture, fixtures and all other school supplies in said schools; supply and loan to pupils in the several grades and departments of said schools, free of charge, all text books and supplies used by the pupils of said schools; collect all books and apparatus loaned to pupils of the public schools of said city; do all things needful for the maintenance, prosperity and success of said schools, and the promotion of education; adopt

by-laws and rules for the procedure of the board of education, and make and enforce all needful rules and regulations for the control and management of the public schools of said city.

SEC. 113. No school sites or buildings shall be sold or conveyed by the board of education except upon resolution of the board duly adopted at a regular or duly called meeting, and not then without the affirmative recorded vote of at least two-thirds of all the members of the board.

EXAMINING COMMITTEE.

SEC. 114. The board of education shall appoint and fix the compensation for two competent persons for each examination, who, associated with the city superintendent or superintendent-elect, shall constitute the examining committee, but no candidate for examination as a preliminary to teaching in the public schools shall be an examiner.

SEC. 115. The examining committee shall hold teachers' examinations during each year at such times as the board of education may direct. If from the percentage of correct answers required by the rules, and other evidence disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's experience as a teacher, the applicant is found to be a person of good moral character, and to pass [possess*] such knowledge and understanding, together with aptness to teach and govern, as will enable the applicant to teach in the public schools of the city the various branches required by law, said board of education shall grant to such applicant a certificate of qualification.

SEC. 116. Certificates of qualification shall be of three grades, and shall be designated primary, grammar, and high school certificates, and shall denote the proficiency of the applicant and his ability to conduct successfully a primary, a grammar, or a high school. Each certificate so granted shall be good until June 30th next after its issuance, and shall be issued only upon due examination as provided in Section 115; Provided, that after the first examination any certificate may be renewed from year to year without further examination, in the discretion of the examining board.

No certificate shall be granted unless the applicant be found proficient in, and qualified to teach the following branches, namely: Pedagogics, reading, writing, spelling, English grammar, geography, United States history, arithmetic, physiology and hygiene, and in addition such other English branches as the board of education may prescribe.

And in addition to all subjects required for the primary and grammar grade certificates the candidate for a high school certificate must sustain a satisfactory examination in civil government, physical geography, elementary natural philosophy, elementary algebra, and such other branches as the board of education may prescribe.

Temporary
certificate.

SEC. 117. The board of examiners or superintendent of schools may grant temporary certificates to teachers of experience of whose ability to pass an examination they are assured; Provided, that such temporary certificates shall be valid only until the next regular examination, and under no circumstances shall be issued more than once to the same person.

Limitations in
issuing certifi-
cate.

SEC. 118. No certificate or permission to teach shall be issued to any person under eighteen years of age, and no grammar or high school grade certificate shall be issued to any person who is under twenty-one years of age, and who has not taught successfully ten school months; Provided, that a certificate issued by any city or county board of examiners may be valid when endorsed by the city superintendent of schools, good only to the next examination.

Certificates on
normal diplo-
mas.

No person shall be employed or permitted to teach in any of the public schools of the city who is not the holder of a lawful certificate of qualification; Provided, that all normal diplomas issued after March, 1892, by the University of Utah, shall entitle the holder to a high school certificate for three years.

Revocation of
certificates.

Any contract made in violation of this act shall be void.

SEC. 119. The board of education is authorized and required to revoke, for immoral or unprofessional conduct or evident unfitness for teaching, any certificate granted by its authority.

TEXT BOOKS.

SEC. 120. In cities of the first class, the board of education shall decide what text books shall be adopted in all public schools of the city, and their use shall be mandatory in all such schools; Provided, that text books so adopted shall not be changed within a period of five years after their adoption, and any teacher changing any of such text books may be discharged by the board of education therefor. Text books.

SEC. 121. The board of education shall give at least sixty days' notice by publication in a newspaper having a general circulation in this Territory, of its intention to adopt text books for the public schools of the city, calling for bids and terms from publishers of text books for schools, stating the number and kind of books required; that separate sealed proposals will be received by the board of education for furnishing each kind of book, the place where, and the day and hour when, all proposals will be opened, and that the board reserve the right to reject any and all proposals or any part thereof. Notice of adoption of text books.

SEC. 122. At the time and place specified in said notice the board shall meet and publicly open and read all the proposals which have been received, and shall make their decision within thirty days thereafter. Opening bids.

SEC. 123. Sealed proposals must be accompanied with sample copies of the books proposed to be furnished, together with the statement of the introductory or exchange, and of the wholesale and retail price, at which the publisher agrees to furnish each book within the city during the full time for which said books may be adopted. Samples and prices of books.

SEC. 124. If no satisfactory proposals are received, then the board in its discretion may advertise anew, and the books in use shall continue in use until satisfactory proposals have been received and accepted. Unsatisfactory proposals.

SEC. 125. The publisher or publishers whose proposals shall be accepted, must enter into a written contract with the board of education, and shall give a bond with two sufficient sureties in a reasonable sum, to be fixed by the board, for the faithful performance of such contract. Contract of successful bidder.

CITY SCHOOL TAXES.

- Exemptions. SEC. 126. All property, real and personal, held by the board of education shall be exempt from taxation, for any purpose, and shall not be taken in any manner for debt.
- One tax district. SEC. 127. For all purposes of taxation the whole city shall constitute one school district.
- Pro rata of territorial tax. SEC. 128. All cities organized under the provisions of this act shall receive their pro rata share of any Territorial taxes levied for the support of district schools or any funds that may be realized from any source which under the operation of law are required to be divided pro rata for the benefit of children of school age residing in the Territory.
- Estimate of expenses. SEC. 129. The board of education shall, on or before the first day of March of each year, prepare a statement and estimate of the amount necessary for the support and maintenance of the schools under its charge, for the school year commencing on the first day of July next thereafter, also the amount necessary to pay the interest accruing during such year, or not included in any prior estimate, on bonds issued by said board, and the amount of sinking fund necessary to be collected during such year for the payment and redemption of said bonds; and shall forthwith cause the same to be certified by the president and clerk of said board, to the assessor and collector for said city; and the assessor and collector of the city, after having extended the valuation of property on the assessment rolls, shall levy such per cent. as shall, as near as may be, raise the amount required by the board, which levy shall be uniform on all property within the said city as returned on the assessment roll thereof; and the said assessor and collector is hereby authorized and required to place the same on the tax roll of the city, and said tax shall be collected by the collector as other city taxes are collected, but without additional compensation for assessing and collecting, and pay to the treasurer of said board, promptly as collected, and held by him subject to the order of the board of education; Provided, that the tax for the support and maintenance of such schools shall not exceed in any one year four mills on the dollar upon all taxable property of said city.
- Tax levy.

The board of education may, at the annual school election or at a special election, in its discretion, submit to the voters of the district the question of levying a special tax, for one or more years, to buy sites, build and furnish school houses or improve the school property under its control. If the voters declare in favor of such tax, it shall be levied and collected as other school taxes, and the board of education may apply any money available raised from taxation to the building on or the improving of the school property under its charge.

Special election for tax for sites, etc.

BONDS.

SEC. 130. The board of education of such city may, when in their judgment it is advisable, or shall, when petitioned by a majority of the resident taxpayers of the school district, as appears by the county assessment roll of the last preceding year, call an election in each municipal ward of the city and submit to the taxpayers of the district, whether bonds of such district shall be issued and sold for the purpose of raising money for purchasing school sites, for building or purchasing one or more school houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating the indebtedness already incurred for such purpose or for refunding and redemption of all or any portion of any bonds outstanding in any such district.

Bond election.

SEC. 131. The election provided for in the preceding section shall be called by publishing a notice signed by the president and clerk of the board of education, in a newspaper published in the city, for not less than ten days, and by posting said notice at the polling places in each of the municipal wards of the city for the same length of time next preceding said meeting. The board of education, before any notice is published or posted, shall appoint three electors in each municipal ward to conduct the elections herein provided for, who shall take and subscribe an oath of office, who shall make returns thereof to the board as herein provided.

Notice of bond election.

Conduct of election.

Such notice shall contain:

First.—The time and place of holding the same.

Second.—The names of the judges at each polling place to conduct the same.

Contents of election notice.

Third.—The time during which the polls will be open.

Fourth.—The amount and denomination of the bonds, the rate of interest and the number of years, not exceeding twenty, the whole or any part of said bonds are to run.

Ballot.

SEC. 132. The ballot used at such election shall be furnished by the board of education, and shall express upon its face the questions the board desires to submit to the taxpayers.

Informality
not to affect
validity.

No informalities in conducting such election shall invalidate the same, if it shall have been otherwise fairly conducted.

Voters.

SEC. 133. Every registered voter residing in any ward in which any election is held for the purpose of determining the question of issuing bonds for such school district, shall be entitled to vote at any such election.

Challenges.

Challenges for cause by any qualified voter shall be allowed at such election, and promptly decided by the judges conducting the same.

Canvass of
ballots and
returns.

SEC. 134. Immediately after the close of the polls, the persons appointed to conduct the same shall proceed to count and canvass the ballots cast at such election and make returns thereof to the board of education, and said board shall, within five days after said election, meet and canvass said returns, and if a majority of all the ballots cast at said election are in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes, and shall immediately file with the clerk of the county court [of*] the county in which such school district is situated, a certified copy of the order of the board of education, and certified copies of the notices published or posted, calling such election, with an affidavit showing when and where said notices were published or posted, and that they were published or posted as required by law and the order of the board of education. The board shall also file with said clerk a statement showing the number of inhabitants and the value of taxable property in the district, that the amount of bonds proposed to be issued does not exceed two per centum of the value of taxable property in the district; that the elec-

Filing
with county
clerk.

*Not in Original

tion at which the question of issuing bonds was submitted was lawfully called and held; that all proceedings in relation to the proposed issue of bonds in said district were lawfully conducted, and that such bonds may be lawfully issued, and thereupon said board of education shall be and they are hereby authorized and directed to issue the bonds of such district to the number and amount voted for at such election. The money for the redemption of said bonds, and the payment of the interest thereon as it shall become due, shall be raised by taxation upon the taxable property of said district; Provided, that the total amount of bonds so issued shall not exceed two per centum of the taxable property of the district as shown by the last equalized assessment book of the Territorial and county taxes.

Issue of bonds.

Limitation.

SEC. 135. The denomination of the bonds which may be issued under the provisions of this act shall be fifty dollars or some multiple of fifty, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding six per cent. per annum, payable semi-annually or annually, in accordance with interest coupons which shall be attached to said bonds, and shall be made payable not more than twenty years from their date. The board of education may reserve the right to redeem such bonds, or any of them, at any time after ten years from their issue.

Denomination of bonds.

Interest.

Payment and Redemption.

Any bonds heretofore authorized by vote of any school district, remaining unsold may, in the discretion of the board, be hereafter issued to bear any rate of interest not exceeding six per cent. per annum, payable annually or semi-annually.

Previously unsold bonds

SEC. 136. Whenever any bonds are issued under the provisions of this act, they shall be engraved, lithographed or printed on bond paper, and shall state upon their faces the date of their issue, the amount of the bond, for what purpose issued, also the time and place of payment and the rate of interest to be paid.

Printing of bonds.

They shall have printed upon the margin, the words, "Authorized by act of the Governor and Legislative Assembly of the Territory of Utah A. D. 1892," and upon the back of the bond shall be printed a certificate, signed by the county clerk, in substantially the following form:

Certificate of
County Clerk.

I certify that the within bond is issued in accordance with law, and is within the debt limits permitted by the debt statutes of the Territory of Utah, and in accordance with a vote of the taxpayers of—school district of—county, Territory of Utah, at an election held on the—day of—A. D.—authorizing the issue of bonds to the amount of—dollars.

Signatures on
bonds and
entry.

They shall be signed by the president and clerk of the board of education, and there shall be entered in a book to be kept by the clerk for that purpose, the number, date and denomination of the bonds sold, and the date when the same shall become due.

Sale of bonds.

SEC. 137. Whenever any bonds are issued under the provisions of this act, the board of education shall have authority to negotiate and sell such bonds to the highest bidder. And the proceeds shall be used exclusively for the purpose for which they are issued.

Redemption
and cancella-
tion of bonds.

SEC. 138. Whenever any of the bonds of a school district shall have been redeemed or purchased by the board of education, they shall be cancelled by writing or printing in red ink across each bond and coupon the words "Paid and Cancelled," and the date of payment and amount paid shall be entered in the clerk's register against the number of the bond, and the bonds and coupons so cancelled shall be filed in the office of the clerk of the board until all the outstanding bonds and coupons of any one series are paid, when all such bonds and coupons shall be destroyed in the presence of the quorum of the board, and such fact shall be entered upon the records of the board.

Advertisement
for construc-
tion of school
buildings.

SEC. 139. Whenever any school house is to be built the board of education shall advertise for at least ten days in some newspaper published in the city, for sealed proposals for building such school house in accordance with the plans and specifications which shall be furnished by the board of education at its office or at the office of the architect, stating in such advertisement or notice the place where, the day and hour when, all proposals will be opened, and reserving the right to reject any and all proposals and shall require a certified check of not less than five per cent. of the amount of the bid to accompany the same, which checks shall be made payable to the order of the board of education, and the check of the successful bidder shall be forfeited in case he fails or

refuses to enter into the contract and furnish the bond required.

At the time and place specified in said notice, the board shall meet and publicly open and read all the proposals which have been received, and if satisfactory bids have been received, shall award the contract to the lowest responsible bidder, and shall require of such bidder or contractor a bond in one-half the amount of the contract, conditioned that he will properly perform the conditions in a faithful manner and in accordance with its provisions; in case none of the proposals are satisfactory, all shall be rejected, and said board shall advertise anew in the same manner as before, and may require in the contract to be executed that at least twenty per cent. of the contract price may be withheld until the building is completed and accepted by the board. But if after twice advertising, as provided herein, no satisfactory bid is received, the board may proceed under its own directions to erect the building required, or in case of a building not to exceed \$5,000.00 in cost, if no satisfactory bid is received at the first notice, the board may proceed with the construction as it may determine.

Opening bids.

Advertising anew.

Withholding 21 per cent of contract price

Board of education may erect buildings.

SEC. 140. The board of education in its annual estimate and levy provided for in this article, shall include an amount sufficient to pay the interest as the same accrues on all outstanding bonds issued by the board, and also to create a sinking fund of two per cent. of the par value of outstanding bonds for the redemption of said bonds, and shall cause a tax to be levied and collected as provided for in this article, and such money shall remain a specific fund, and shall not be appropriated or used for any other purpose than is hereinafter provided.

Annual estimate

SEC. 141. The moneys levied and collected for creating a sinking fund for the redemption of the bonds issued by the board of education shall be as follows: After retaining an amount sufficient to pay the principal of bonds maturing during the year, the board shall, with the surplus of the sinking fund, invest or loan the same on good security on the best terms to be obtained until such time as it may be needed to purchase any outstanding bonds that may be offered, or until the maturity of any such bonds.

Sinking fund; investment of.

Lien on tax-
able property.

SEC. 142. Bonds issued under the provisions of this act shall be a lien upon the taxable property of the school district issuing them, and when the board of education neglects or refuses to levy a tax in accordance with law to meet outstanding bonds or the interest thereon, the county court of the county within which such district is situated, shall levy such tax, and apply the money thus collected to the payment of such bonds, and the interest due thereon.

Inquiry into
offenses.

SEC. 17.* That Section 145 be amended by striking out the last words beginning with the word "neglect," in line 4, and inserting in place thereof the following: "Misdemeanor defined in this act and to report the same and the offenders concerned, when known, to the city or county attorney of the city or county within which the offenses have been committed, and it is hereby made the duty of said officer to proceed immediately to prosecute such offenders."

Incorrigible
children of
school age.

SEC. 18. By inserting after Section 145 and before Section 146, the following, and to be numbered Section 145 a:

SEC. 145 a. All children in the district between the ages of eight and sixteen years who, in defiance of earnest and persistent efforts on the part of their parents or teachers, are habitual truants from school, or while in attendance at school are vicious, immoral, or ungovernable in conduct, shall be deemed incorrigible; and it is the duty of the president of the board of education or the chairman of the board of trustees of each school district to inquire into all such cases within his district and report them to the county attorney acting for such district, whose duty it shall be to prosecute such cases as incorrigibles and fit candidates for the Territorial Reform School."

SEC. 19. This act shall take effect from and after its passage.

Approved March 8th, 1894.

*Number of section duplicated. See page 108.

CHAPTER LXX.

PRIVATE CORPORATIONS.

AN ACT Amending Section 2393, of the Compiled Laws of Utah, 1888, Relating to Private Corporations.

Be it enacted by the Governor and the Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 2393 of the Compiled Laws of Utah, 1888, be and the same is amended to read as follows:

“SECTION 2393. s. 20. Any person who is the holder of full paid up capital stock of any corporation hereafter organized under the laws of Utah Territory, shall not be liable for any assessments upon such capital stock or for any indebtedness of the corporation, nor shall any assessment be levied upon such capital stock for any purpose whatever, nor shall any such holder be liable for assessments or indebtedness of the corporation, except it shall be provided in the articles of incorporation or the agreement in writing specified in Sec. 2268 s. 2, of said Compiled Laws, that such capital stock shall be liable for assessments or for the indebtedness of the corporation, then the corporation shall be and is authorized to levy assessments upon such stock, to be collected as in the articles provided. The articles of incorporation, in this respect, shall not be changed without the consent of all the stockholders.”

Capital stock non-assessable

Exception.

SEC. 2. This act shall take effect from its passage and approval.

Approved March 8th, 1894.

CHAPTER LXXI.

REVENUE.

AN ACT in Relation to Revenue and Further Defining the Duties of County Courts, and of the Territorial Board of Equalization.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Who shall
assess railway
cars.

SECTION 1. That the Territorial board of equalization shall assess all railroad cars owned by corporations, trust companies and others, that are used for the transportation of passengers or freight within the Territory.

Report to be
filed.

SEC. 2. That the Territorial board of equalization shall file a full and complete report of the total assessment of property situate in each county for taxable purposes, after the same has been approved by said board, with the Auditor of Public Accounts, on or before the first day of October in each year.

Auditor to
compute tax.

SEC. 3. That the Auditor of Public Accounts shall compute the amount of taxes due from each county within this Territory on the total valuation of all taxable property within the county as certified by the Territorial board of equalization, and shall debit the amount of tax, so computed, to each county.

First notice of
assessment,
what to con-
tain.

SEC. 4. That the first notice of assessment mailed to taxpayer by the county collector, after assessment roll has been returned, shall contain only a notice of the class and valuation of property as fixed by the assessor, and the time and place of meeting of the county board of equalization.

Completion of
work by
county boards.

SEC. 5. That the county boards of equalization of the several counties within this Territory, be required to complete their work and adjourn on or before August 1st of each year.

Clerk to report
corrected as-
sessment roll.

SEC. 6. That the clerks of the county courts of the several counties within this Territory, shall immediately thereafter and not later than August 15th, report to the Territorial board of equalization on blanks furnished by said board, the total valuation of each class of property as enumerated on the assessment roll as corrected and approved by the county board of equalization.

SEC. 7. No act of any officer or irregularity not affecting the merits or justice of the act or for the failure to do or complete any act within the time specified by law, if it can be and is done later, without injuriously affecting substantial rights, shall invalidate any tax. ^{Irregularity does not affect tax.}

SEC. 8. This act shall take effect from and after date of its approval.

Approved March 8th, 1894.

CHAPTER LXXII.

ESTATES OF DECEDENTS.

AN ACT to Amend Section 1, of Chapter LXXI, Session Laws of 1890.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Section 1, of Chapter LXXI, Session Laws of 1890, be and the same is amended by inserting after the word "decedents" and before the word "without," on the sixth line thereof, the following:

Orders allowing final account and orders making distribution of estates of decedents where the final account and petition for distribution and the hearing on both are had at the same time. ^{May grant orders without publication.}

SEC. 2. All laws in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect upon its approval.

Approved March 8th, 1894.

CHAPTER LXXIII.

WORLD'S FAIR EXHIBIT.

AN ACT Authorizing the Utah World's Fair Commission to Dispose of the Property and Exhibits returned from the World's Columbian Exposition.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Commission to
dispose of ex-
hibits.

SECTION 1. That the Utah World's Fair Commission be and is hereby authorized to make such disposition of the property and exhibits returned from the World's Columbian Exposition as in the judgment of the commissioners shall be to the best interest of the Territory.

Territorial in-
stitutions to
receive ex-
hibits.

SEC. 2. The boards of management of the several Territorial institutions are hereby authorized to receive and care for the portion of the exhibits that may be assigned them by the commissioners, and to pay any necessary expense out of the appropriation made for the maintenance of the respective institutions for the years 1894 and 1895.

Household
goods, etc., to
be sold.

SEC. 3. The commissioners may dispose of all household goods and other property in their possession at public or private sale, and all moneys received from the sale of property or otherwise shall be paid into the Territorial treasury.

SEC. 4. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER LXXIV.

LESSOR'S LIEN.

AN ACT Providing for a Lessor's Lien.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. Lessors, except as hereinafter provided, shall have a lien for rent due upon all of the property of the lessee not exempt from execution as long as the lessee shall occupy the leased premises and for thirty days thereafter. Lien for rent.

SEC. 2. A lien for rent as provided for under this act shall have priority over all other liens excepting taxes, mortgages for purchase money and liens of employees for services for six months next prior to the sale. Priority of liens.

SEC. 3. Where any rent shall become due, or the lessee shall be about to remove his property from such leased premises, it shall be lawful for the lessor, his attorney, agent, or assigns, to apply to a justice of the peace of the precinct, or if the rent due exceeds the sum of three hundred dollars then to the district court of the district wherein the premises are situated, for a warrant to seize the property of such lessee. Seizure of property.

SEC. 4. The lessor, his attorney, agent or assigns, shall, before the issue of such writ of attachment, file in the court aforesaid an affidavit duly sworn to, setting forth the amount of rent sued for over and above all offsets and counter-claims, a brief description of the leased premises, and shall further state, under oath, that said writ of attachment is not sued out for the purpose of vexing or harassing the lessee; and the person applying for such writ of attachment shall execute a bond with two or more good and sufficient sureties, conditioned that the lessor will pay the lessee such damages as he may sustain in case such writ of attachment has been illegally and unjustly sued out, which bond shall be approved and filed with the papers in the case. AS- Affidavit and bond.

SEC. 5. Upon filing of such affidavit and bond it shall be the duty of the court wherein the same is filed to issue a writ of attachment to the proper person, commanding him to seize the property of Writ of attachment.

the defendant not exempt from execution, or so much thereof as shall satisfy the demand.

Officer to
serve.

SEC. 6. It shall be the duty of the officer to whom such writ of attachment is directed to seize the property of such lessee not exempt from execution, or as much thereof as shall be of value sufficient to satisfy such debt, costs, and reasonable attorney's fee and to keep the same until the determination of the action pending between the lessor and lessee.

Property sub-
ject to sale.

SEC. 7. All property, including growing and harvested crops, and all ore mined or upon the premises, or so much of said property as may be necessary to pay the amount of rent due, and costs, shall be liable to sale to enforce the payment of the lien created under this act.

Exempting
lease wherein
building is a
consideration.

SEC. 8. This act shall not be applicable to a written lease for a long term of years, in which, as part of the consideration thereof, the lessee or assigns shall erect a building, buildings or improvements upon the leased premises.

SEC. 9. All acts or parts of acts inconsistent with the foregoing provisions are hereby repealed.

SEC. 10. This act shall take effect on and after its approval.

Approved March 8th, 1894.

CHAPTER LXXV.

TAX SALES.

AN ACT to Amend Chapter 31 of the Session Laws of Utah, 1892, and Sections 2031, 2032, and 2034 of the Compiled Laws of Utah, 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That Chapter 31 of the Session Laws of Utah, 1892, relating to tax sales, be and the same is hereby amended so as to read as follows:

That Section 2 of the act of which this act is amendatory be amended so as to read as follows:

SEC. 2. That a new section, numbered 2030 a, is hereby enacted as follows:

2030 a. The collector shall, on or before the first day of December of each year, publish a list of delinquent taxes, classified in towns and cities by addition, subdivision, plat, block and lot, and other lands by range, township and section or legal subdivision thereof, with the name of owner, when known. Said list must be published for the period of ten days in a newspaper having a general circulation in the county. On the third Monday of December of each year the collector shall expose for sale sufficient of such delinquent's real estate, to pay the taxes and costs at public auction, at the front of the county court house, and sell the same to the highest responsible bidder for cash, and the collector shall continue to sell from day to day until the property of such delinquents is exhausted or the taxes and costs paid.

The collector shall make a record of all sales of real property in a book to be kept by him for that purpose, therein describing the several parcels of real property on which the taxes and costs were paid by the purchasers, as they are described in the list or advertisement on file in his office, stating in separate columns the amount as obtained from the tax list of each kind of tax, interest and costs for each tract or lot, how much and what part of each tract or lot was sold, to whom sold, and date of sale. A separate column shall also be provided in said record in which the county treasurer shall enter date of redemption. When all the sales shall have been made the collector shall deposit the record in the office of the county treasurer, who shall cause the same to be endorsed "Tax Sale Record for the year——."

The collector shall receive \$2.00 for each certificate of sale in full for all his services, and may charge and receive fifty cents for publishing the name and amount of taxes due from each delinquent.

SEC. 2. That Section 2031, of the Compiled Laws of Utah, 1888, be amended so as to read as follows:

SEC. 2031. s. 20. When real estate is sold for taxes, the collector shall make out, sign and deliver to the purchaser of any real property sold for the payment of taxes as aforesaid, a certificate of pur-

chase, describing the property on which the taxes and costs were paid by the purchaser, as the same was described in the records of sales, and also how much and what part of each tract or lot was sold, and stating the amount of each kind of tax, interest and costs for each tract or lot for which the same was sold, as described in the records of sales, and that payment has been made therefor; Provided, that if at any tax sale no person shall bid and pay the collector the amount of tax required to be paid as aforesaid on any real estate, the collector shall make to the probate judge and his successors in office for and in behalf of such county, a certificate similar to that given to other purchasers, and such sale to the county shall have the same effect as if made to an individual, and the clerk of the county court shall credit the collector with the amount of the tax due thereon and costs to date of sale; Provided, that if property purchased in the name of the county shall not be redeemed before the issuance of a tax deed, the collector shall not proceed to sell the same, and the county clerk shall credit the collector the amount of the tax due thereon, but in any case the party redeeming shall pay all taxes that may be assessed, and costs that may accrue upon the land subsequent to the sale.

SEC. 3. That Section 2032 of the Compiled Laws of Utah, 1888, is hereby amended so as to read as follows:

Redemption.

SEC. 2032. s. 21. Real estate sold for taxes may be redeemed by any person, interested therein, at any time within two years after the date of the sale thereof, by such person paying into the county treasury for the use of the purchaser or his legal representatives, the amount paid by such purchaser, and all costs as aforesaid, with interest at the rate of one and one-half per cent. per month on the whole from the day of sale to the day of redemption, and all taxes that have accrued thereon and which have been paid by the purchaser after his purchase to the time of redemption.

The county treasurer shall, when any property is redeemed, make the proper entry in the record of tax sales filed in his office by the collector, which entry or a certificate of the fact of redemption prop-

erly certified by the treasurer shall be prima facie evidence of such redemption.

SEC. 4. That Section 2034 of the Compiled Laws of Utah, 1888, is hereby amended so as to read as follows:

SEC. 2034. s. 23. If any property sold as aforesaid be not redeemed within the time and in the manner aforesaid, the treasurer shall deposit the record of tax sales in the office of the clerk of the county court, and said clerk shall, on presentation of the collector's certificate, make out a deed conveying the property therein described to the individual purchaser, or assignee, as the case may be. If any person shall be entitled to receive deeds for more than one parcel of property, he may have the whole included in one deed, but each parcel shall be separately described. Said clerk shall also, as soon as may be after the filing of said record, make out a deed conveying to the county all property purchased in the name and at the expense of the county, and not redeemed, and cause the same to be recorded in the name of the county, and such property shall not be assessed during the time the title thereto shall remain in the county. Deeds issued by the county clerk in pursuance hereof shall recite substantially the amount of the tax for which the property was sold, the year for which it was assessed, the day and year of the sale, the amount for which the real estate was sold, a full description of the property and the name of the purchaser or assignee, and when attested by the seal of the county court, such deed shall be prima facie evidence of the facts recited therein. The county clerk shall make record of all deeds issued and keep the same on file in his office and shall receive one dollar for all deeds issued. Tax deed.

This act shall take effect on January first, 1895. Date in effect.

Approved March 8th, 1894.

CHAPTER LXXVI.

LOGAN CITY.

AN ACT to Amend Section 475. s. 65, of the Compiled Laws of Utah of 1888.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

End of fiscal
year.

SECTION 1. That Section 475 s. 65, of the Compiled Laws of Utah, of 1888, be and the same is hereby amended by striking out the word "March," as it occurs in line two of said section, and by inserting in lieu thereof, the word "January," and by striking out the word "May," in the fifth line of said section, and inserting in lieu thereof the word "March."

Approved March 8th, 1894.

CHAPTER LXXVII.

PHYSICIANS AND SURGEONS.

AN ACT Regulating the Practice of Medicine in the Territory of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Board of
medical ex-
aminers.

SECTION 1. That upon the passage of this act, the Governor of this Territory shall, by and with the advice and consent of the Council, appoint biennially a board of seven medical examiners from the various recognized schools of medicine, who shall hold office for two years, or until their successors are appointed and qualified. The examiners so appointed shall go before a district or probate judge, and make oath that they are graduates of legally chartered medical colleges in good standing, and that they will faithfully perform the duties of their office. All vacancies caused by removal, death, resignation, or otherwise,

shall be filled by appointment by the Governor within one month from the time that the vacancy shall occur.

SEC. 2. Said board shall organize immediately after the passage of this act by selecting from its members, a president, a secretary, and a treasurer, and shall have a seal and attest its official acts under seal. The president of said board shall have authority to administer oaths, and the board shall take testimony in all matters relating to its duties. Said board shall the power to issue certificates to all who furnish satisfactory proof of having received degrees or diploma, from chartered medical colleges in good standing, and pass a satisfactory examination before said board. Said board shall prepare two forms of certificates, one for persons duly holding certificates examined and favorably passed upon by the said board, the other for persons as provided for in Section 11 of this act, and shall furnish to the county recorder of the several counties a list of all persons residing in said county receiving certificates from the board. Certificates shall be signed by all the members of the board granting them.

Organization
and powers of
board.

SEC. 3. The fee for the examination as provided for in Section 2 of this act shall be fifteen dollars, which shall be paid to the treasurer of the board of examiners.

Fee for
examination.

SEC. 4. Graduates of respectable medical colleges who were engaged in actual practice in this Territory prior to March 10th, 1892, shall be licensed to practice medicine under this act upon presentation of their diploma to said board and upon producing satisfactory evidence of the identity of said applicant. The fee for such license shall be five dollars, to be paid to the treasurer of the board of examiners. All persons not graduates of medical colleges, who have practiced medicine five years continually in this Territory prior to the passage of this act, shall, upon producing to the board of medical examiners a proper application, accompanied by a petition signed by twenty-five legal voters living in the city or precinct where such applicant practices, on payment of a fee of five dollars, receive a (certificate) license to practice medicine in the city, county or precinct where the signers of the applicant's petition reside. No non-graduate so licensed shall, however, in any way advertise as a doctor, physician or surgeon, but shall,

Licenses to
physicians
and non-grad-
uate prac-
titioners, and
fee therefor.

if he advertises at all, do so as a licensed non-graduate practitioner of medicine. The secretary of the board shall enter, without fee, upon the register to be kept by him, the names of all persons to whom licenses are issued as physicians and surgeons.

Recording
certificate.

SEC. 5. Every person holding a certificate from the said board shall have it recorded in the office of the recorder of the county in which he resides, within three months from its date, and the date of record shall be endorsed thereon. Until such certificate is recorded as herein provided, the holder thereof shall not exercise any of the privileges conferred therein to practice medicine. Any person removing to another county to practice medicine shall record the certificate in like manner in the county to which he removes, and the holder of the certificate shall pay the recorder the usual fees for recording other papers.

Recorder's
register of
certificates.

SEC. 6. The county recorder shall keep, in a book provided for that purpose, a complete list of the certificates recorded by him, with the date of the issue of the certificate, and if the certificate be based upon a degree and examination, he shall record the name of the medical college conferring the degree and the date thereof. The register of the county recorder shall be open to public inspection during business hours.

Refusing or
revoking cer-
tificate.

SEC. 7. Examinations shall be made wholly or partially in writing, and the board of medical examiners may refuse to issue the certificates provided for in this act to individuals guilty of immoral or dishonorable conduct, the nature of which shall be stated in writing, and it may revoke such certificate for like causes. In all cases of refusal or revocation the applicant may appeal to the Chief Justice of the Territory, who may affirm or overrule the decision of the board.

Appeal to
Chief Justice.

Medical
practitioners
defined.

SEC. 8. Any person shall be regarded as practicing medicine within the meaning of this act, who shall treat, operate upon, or prescribe for any physical ailment of another for a fee, or who shall hold him or herself out by means of signs, cards, advertisements, or otherwise, as a physician or surgeon; but nothing in this act shall be construed to prohibit services in case of emergency, or the administration of family remedies, and this act shall not apply to commissioned surgeons of the United States

army in the discharge of their official duties or to visiting physicians in the act of consultation.

SEC. 9. Any person practicing medicine or surgery within the Territory without first having obtained a certificate as herein provided for, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor. Practicing without license.

SEC. 10. All persons not graduates of medical colleges who have practiced medicine in this Territory less than five years prior to the taking effect of this act, shall, upon proper application, payment of the fee for examination as provided for in Section 3 of this act, accompanied by a petition signed by twenty-five legal voters, living in the city or precinct where such applicant practices, be admitted to examination before the board of medical examiners, and, if satisfactory, shall receive a certificate. And all persons not having applied for or received such certificates within six months after the taking effect of this act, and all persons whose applications have, for cause herein named, been rejected, or certificates revoked, shall, if they practice medicine, be deemed guilty of practicing in violation of law, and shall suffer the penalties herein provided. Non-graduate practitioners.

SEC. 11. All persons desiring to practice obstetrics in this Territory shall apply to the board of examiners for a certificate, and after passing a proper examination shall be entitled to the same upon paying to the treasurer of said board the sum of five dollars, to be applied towards defraying the expenses of said board. Any person practicing obstetrics within this Territory, without first obtaining the license herein provided for, contrary to the provisions of this act shall be guilty of a misdemeanor; Provided, that all persons who shall furnish to said board satisfactory evidence, by affidavits or otherwise, of having practiced obstetrics previous to the passage of this act, shall receive a license without examination upon the payment of a fee of one dollar. Nothing in this section shall be construed to apply to physicians holding certificates in accordance with this act, or to prohibit service in case of emergency, or to persons practicing obstetrics in communities where there are no licensed practitioners, or prohibiting a fee therefor. Practice of obstetrics.

Meetings of
board.

SEC. 12. The board of medical examiners shall meet on the first Monday in January, April, July, and October of each year, at 10 o'clock a. m., and such other times as the president of the board shall deem necessary. The place of meeting shall be at the Territorial capital.

Removal of
member of
board.

SEC. 13. Any member of said board may be removed for misconduct in office by a two-thirds vote of the members of all the board, but no member shall be removed until after he has been given a trial before said board.

Medical
college de-
fined.

SEC. 14. The term "Medical College" in this act shall include colleges in good standing in the states where they exist.

Excepting
holders of
certificates.

SEC. 15. Nothing in this act shall be deemed to require persons now holding certificates from the Territorial board of examiners to make application for license.

Application of
moneys.

SEC. 16. Moneys received under this act may be applied in defraying the expenses of said examining board.

SEC. 17. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 18. This act shall take effect from its approval.

Approved March 8th, 1894.

CHAPTER LXXVIII.

FISH AND GAME.

AN ACT to Provide for the Protection of Fish and Game and for the Appointment of Territorial and County Commissioners.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Territorial
fish and game
commissioner.

SECTION 1. That the Governor of the Territory, by and with the advice and consent of the Legislative Council, shall appoint a Territorial fish and game commissioner, who shall be a resident citizen of this

Territory, whose term of office shall be two years, and until his successor is appointed and qualified; Provided, that when a vacancy occurs in the office of said commissioner, and the Legislative Council is not in session, the Governor shall have power to fill such vacancy.

SEC. 2. The Territorial commissioner shall receive an annual salary of two hundred and fifty dollars. He shall, before entering upon the duties of his office, take and subscribe to an oath of office, and give a bond in the penal sum of one thousand dollars for the faithful performance of his duties. Such bond shall be approved by and filed with the Secretary of the Territory.

Salary and
bond of
Territorial
commissioner.

SEC. 3. The Territorial commissioner shall have control and supervision of the public waters for the collection, propagation, culture and distribution of fish in Utah Territory, and shall distribute all fish, fish-fry and spawn, coming into his hands, fairly and equitably among the several counties, or otherwise as the said commissioner may determine. He shall have full control of all property of the Territory obtained or held for the purpose contemplated by this act. He shall receive all fish, fish-fry and spawn donated to this Territory from any source whatever, and also fish, fish-fry and spawn that may be purchased by this Territory.

Powers of
Territorial
commissioner.

He shall make a detailed statement of his official transactions, including the number and kinds of fish distributed, and the locality and name of the streams, ponds or lake where the same have been placed, and submit such report to the Legislature during the first week of its regular session.

Report.

SEC. 4. The county court of each county of this Territory may appoint a fish and game commissioner, whose term of office shall be two years, and until his successor shall be appointed and qualified. Said county commissioner shall, before entering upon the duties of his office, take and subscribe to an oath of office, and give a bond in the penal sum of one thousand dollars for the faithful performance of his duties; said bond shall be approved by the probate judge, and filed in the office of the clerk of the county court.

County fish
and game
commissioner.

Bond.

The county commissioner shall receive such compensation as shall be determined by the county court, to be paid out of the county treasury, and shall per-

Compensation
and duties.

form his duties under the direction of the Territorial fish and game commissioner; it shall be the duty of the county commissioners and Territorial commissioner and each of them, to see that all laws of this Territory for the protection of fish and game are faithfully enforced, and it shall be the duty of the county commissioner to report his doings to the county court annually.

Commissioner
may take fish.

SEC. 5. The said commissioners, by authority of the Territorial commissioner, may take or cause to be taken from the public waters within their respective counties, at any time, or in any manner, any kind of fish for the purpose of propagation or inspection. Each of said county commissioners shall make a detailed report of his official doings to the Territorial commissioner, during the first week of December in each year.

Report.

Appropriation
for salary.

SEC. 6. The sum of five hundred dollars is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated to pay the salary of the said Territorial commissioner for the years 1894 and 1895.

Maintenance
of fishways.

SEC. 7. The owner or owners of any dam erected across any of the streams in this Territory shall, if required by the said county commissioner, erect and maintain at all times at his or their expense, suitable fishways to allow the free and uninterrupted passage of fish up and down such stream, provided that the requirements of this section shall not apply to cases where all the waters are required and used for irrigation purposes.

Taking fish.

SEC. 8. It shall be unlawful for any person to take any fish, except carp, chubs and suckers, from any waters of this Territory, by any means or device whatsoever, except by means of hook and line, commonly known as angling, and that only between the fifteenth day of June of each year and the fifteenth day of February following, except as hereinafter provided.

Taking fish.

SEC. 9. It shall be unlawful for any person to sell, take, kill, destroy or have in his possession at any time in any year any fish less than (6) six inches long or any fish whatever that is taken unlawfully, or to sell, take, kill, destroy or have in his possession any trout whatever, at any time between February fifteenth and June fifteenth following, in any year.

SEC. 10. It shall be unlawful for any person to kill or to take any fish from the waters of this Territory by the use of any poison or deleterious drug, or by erection of any weir, dam, or other artificial obstruction, or by the use of any net, seine, set lines, sieve, spear or gun or any other device whatsoever, which can or may be used for the unlawful taking of fish; Provided, that seines not more than two hundred yards long and twelve feet wide, with meshes not less than one and one-half inches square for fifty yards in the center, and the meshes not less than two inches square in the wings thereof, may be used in Green River at all seasons of the year, and in Bear Lake and Utah Lake between the fifteenth day of June of each year and the fifteenth day of February following; and, Provided further, that before any person shall use seines in Utah Lake, such person shall each year make application to the county court of Utah County for a license for that purpose, and shall pay five dollars therefor, and shall give bonds with two sureties, to be approved by the county court, in the sum of five hundred dollars, conditioned on the faithful observance of the law for the protection of fish and game, and he shall notify the county fish and game commissioner whenever he intends to make a haul so that the said commissioner can be present, either in person or by deputy, when the haul is made; any licensee who shall make a haul without the presence of the commissioner or his deputy shall, upon conviction thereof, be fined in any sum less than three hundred dollars for each offense; it is hereby made the duty of the county commissioner to respond to the notice of such licensee and attend in person or by deputy at the time of hauling to which he is notified, and see that the provisions of the law for the protection of fish and game are observed; said licensee shall pay said commissioner compensation not to exceed two and a half dollars a day for such services.

Unlawful devices for taking fish.

Seines to be used.

License for seining in Utah Lake.

Licensee to notify commissioner of intended seining.

Commissioner to be present at seining.

SEC. 11. All seines, nets, tackle, powder, explosives, lime, poison, drugs and other means and devices for taking or killing fish of any kind, found in the possession of any person who may be found unlawfully taking fish from any of the waters of this Territory, shall be seized by the officer making the arrest, and, if it appears from the evidence before the magistrate trying the cause, that the seines, nets, powder, explo-

Confiscation of fishing tackle, etc.

sives, lime, poison, drugs and other means and devices for taking or killing fish were used, or were about to be used or intended to be used for the unlawful taking of fish, the same are hereby confiscated and shall be, by the order of the magistrate, taken and destroyed subject to the right of appeal as in other cases.

SEC. 12. It shall be unlawful for any person to kill or take any fish from any of the waters of the Territory by the use of giant powder, quick lime, or any explosive substance, or to place or use in or on the surface of such waters any giant powder, quick lime or explosive substance, or to have knowingly in his possession any fish killed or taken by the use of giant powder, quick lime or any explosive substance. Any person found guilty of violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 13. That no person shall kill, wound, ensnare or trap within the Territory of Utah, any elk between the first day of December and the first day of September following, nor shall any person have in his possession in said Territory the whole or any part of the dead body or carcass of any elk, deer, buffalo or bison, antelope or mountain sheep or any fawn or young of any of said animals between the sixth day of December and the first of September following, and having the possession of either or any part of said animals mentioned in this section shall be prima facie evidence of guilt; any one violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 14. Any person who shall pursue with a dog, between December first and September first of the following year, any of the animals mentioned in Section 13 shall be guilty of a misdemeanor.

SEC. 15. Any person who shall at any time wantonly kill or destroy any of the animals mentioned in the 13th section of this act, or shall at any time kill or destroy the same for the sole purpose of securing the hides or skins of any such animals, or shall cause to be shipped, carried or transported out of the Territory of Utah, any of such animals, or any part thereof between December first and September first of the following year, shall be guilty of a misdemeanor.

Explosives
forbidden in
taking fish.

Elk, deer,
buffalo, ante-
lope, mountain
sheep, etc.

Pursuit with
dog.

Destroying
animals for
hides or ship-
ment.

SEC. 16. Any person who shall kill, ensnare, net or trap, or have in his possession within the Territory of Utah, any quail, partridge, pheasant, prairie chicken or grouse, between the 15th day of March and first day of September of each year, or who shall kill, ensnare, net or trap, or have in his possession, within the Territory of Utah, any sage hen, between the 15th day of March and the 15th day of August of each year, or who shall kill, ensnare, net or trap at any time any lark, whip-poor-will, thrush, swallow, snowbird, bobolink, wood-pecker, or other insectivorous birds not being birds of prey, except English sparrows, shall be guilty of a misdemeanor, and the possession of either of any of the birds mentioned in this section shall be prima facie evidence of guilt.

Insectivorous
birds.

English
sparrows
excepted.

SEC. 17. Any person who shall take, kill or destroy or have in his possession within the Territory of Utah, any wild goose, wild duck or snipe, between the first day of April and the first day of October of each year, or who shall rob the nests of any wild goose, or wild duck, or who shall rob the nests of any of the birds mentioned in this act, except the English sparrow and black-bird, shall be guilty of a misdemeanor, and the possession of either or any of the birds or any eggs of either or any of the birds mentioned in this section, shall be prima facie evidence of guilt of such misdemeanor, and any person who shall kill, wound or shoot at any wild goose or wild duck between sunset and one hour before sunrise, shall be guilty of a misdemeanor.

Wild geese
and ducks,
etc., and nests.

SEC. 19. Any person who shall knowingly have in his possession any game taken unlawfully is guilty of a misdemeanor.

Unlawful
possession of
game.

SEC. 20. One-half of all fines collected under the provisions of this act shall be paid into the county treasury of the county in which trial may be had, and the other half paid to the complaining witness or witnesses.

Disposal of
fines.

SEC. 21. Any person who shall hereafter at any time, within the Territory of Utah, willfully kill, wound, ensnare, trap, shoot at or have in his possession any bird commonly known as and called the Mongolian or Chinese pheasant or English pheasant, or pinnated grouse, shall be guilty of a misdemeanor.

Pheasant and
grouse.

SEC. 22. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 23. All acts and parts of acts heretofore passed relating to fish and game and birds are hereby repealed.

SEC. 25. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CHAPTER LXXIX.

WITNESSES, JURORS, REPORTERS AND COURT COMMISSIONERS.

AN ACT Providing for the Payment of Jurors, Witnesses and Phonographic Reporters, and Creating and Defining the Duties of Court Commissioners.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Payment of
witnesses and
jurors.

SECTION 1. That hereafter and until otherwise provided witnesses for the Territory in criminal cases and jurors in the district courts shall be paid the sum of two dollars per day for each day's attendance at court and ten cents per mile, one way, when the witness or juror can travel by rail, and twenty cents per mile, one way, when the witness or juror cannot travel by rail, for the distance necessarily traveled from his place of residence to the place of holding court; Provided, that in no case shall per diem be allowed to any juror for any day when the major part thereof was devoted to the trial of cases under the laws of the United States; and, Provided, further, that when jurors are summoned and render service both for the Territory and the United States, one-half only of the mileage of such jurors shall be paid by this Territory.

Clerk to issue
certificates.

SEC. 2. The clerk of the district court shall, whenever a juror or witness for the Territory is discharged, issue to him a certificate under the seal of

the court stating the name of such juror or witness, when and where he was summoned or subpoenaed and the date of his discharge, the place of his residence, the number of miles necessarily traveled from his place of residence to the place of holding court, and the number of days upon which the major part of the time was devoted to Territorial criminal cases, and, if a juror, the number of days engaged in civil cases.

SEC. 3. The plaintiff in each civil action, except equity cases, where a jury is not required, and the appellant in each civil case appealed to the district court, shall, respectively, before his complaint or appeal papers are filed, deposit with the clerk of said court the sum of three dollars, which shall be known and designated as the jury fund; Provided, that the term civil action in this section shall apply to and include all actions where a municipal corporation is a party beneficially interested; Provided, further, that in case judgment is rendered in favor of such plaintiff or appellant said amount may be taxed as costs and collected as other costs in the action.

Deposit of
jury fund.

SEC. 4. The clerk of each district court shall, on or before the first Monday in June, A. D. 1894, and quarterly thereafter, pay into the Territorial treasury all sums of money deposited with him under the provisions of this act, and shall at the same time furnish the Auditor of Public Accounts a statement in writing, showing the number of complaints filed and the number of appeals taken to the district court in civil cases since making his last statement to said Auditor, together with the title of each case.

Clerk to
deposit jury
fund, and
to report, etc.

SEC. 5. It shall be the duty of the clerks of the several district courts to keep an attendance roll, in which shall be noted the name of each witness subpoenaed for the prosecution in Territorial criminal cases, the name of each witness subpoenaed for the defendant at the expense of the Territory under order of the court, the name of each juror, where said witness or juror was subpoenaed or summoned, the date of appearance, the date of discharge, each day's attendance, with the date thereof, his place of residence and the number of miles, and how, necessarily traveled by said witness or juror from the place of his residence to the place of holding court, and if a juror, the number of days upon which the major part of the time was devoted to the trial of Territorial criminal

Attendance
roll of wit-
nesses and
jurors.

or civil cases or investigation of Territorial criminal cases before a grand jury, as the case may be.

Grand jury
statement.

SEC. 6. Whenever a grand juror or witness for the Territory before the grand jury, is finally discharged, the foreman of said grand jury shall furnish the clerk of said court a statement containing the information not a matter of record required in the preceding section relative to said juror or witness, whereupon the clerk shall issue a certificate to said witness or juror, as in this act provided, and shall enter the facts not already a matter of record upon such attendance roll, and carefully file and preserve the statement of said foreman for reference as hereinafter provided; Provided, that in no case shall any grand juror or witness before the grand jury be required to disclose any fact to any clerk or court commissioner except matters relating to his attendance and mileage.

Witness and
juror to report
attendance.

SEC. 7. Every witness subpoenaed for the Territory, and every witness subpoenaed for a defendant under the order of the court at the expense of the Territory, and every juror, whether grand or petit, shall report in person daily to the clerk, his attendance at court from the time of his appearance to the date of his discharge, and no per diem shall be allowed for any day upon which attendance is not so reported except in cases of sickness, while absent from home as such juror or witness, which fact must be stated under oath to the court by the juror or witness, or some person on his behalf cognizant of the facts, whereupon the court shall order the allowance per diem for such number of days as may be just and equitable; Provided, that in no case shall a juror or witness receive extra compensation on account of any night session at which any such person may be required to attend or serve. Said statement so made under oath as aforesaid must be filed with the clerk and preserved for reference as hereinbefore provided.

Witness for
defendant.

SEC. 8. No witness for a defendant in a criminal case shall be subpoenaed, paid mileage or per diem by the Territory, except upon an order of the court, when said defendant is awaiting trial for a felony or indictable misdemeanor. Said order can only be made upon affidavit made by defendant in person, showing:

First—That said defendant is impecunious and unable to pay the per diem and mileage of said witness;

Second—That the evidence of said witness is material for defendant's defense as he is advised by his counsel; and

Third—That said defendant cannot safely proceed to trial without said witness.

If said facts are not successfully controverted by the district attorney or by affidavit of some person cognizant of the facts, the court may issue an order as aforesaid, directing that said witness, if within the Territory, be subpoenaed and paid per diem and mileage by the Territory the same as witnesses for the prosecution.

SEC. 9. Hereafter and until otherwise provided, phonographic reporters in Territorial criminal cases shall receive six dollars (\$6.00) per diem for taking testimony and other proceedings of the court in said cases and ten cents per one hundred words for transcribing the same, and shall be paid upon presentation of the certificate of the clerk of said court as hereinafter provided; Provided, that in civil cases where the parties so request no reporter shall be engaged; Provided further, that the reporter shall receive no compensation for services rendered during any night session of the court in any Territorial criminal case.

Compensation
of phono-
graphic re-
porters.

SEC. 10. At the close of each term of the district court the clerk of said court shall issue to the phonographic reporter thereof a certificate, to be approved by the court, showing the actual number of days said reporter was engaged in taking testimony and other proceedings of the court in Territorial criminal cases, and also the number of folios of such proceedings transcribed by said reporter, together with the amount so due for the services so rendered.

Clerk's cer-
tificate to
reporter.

SEC. 11. The persons who shall hereafter be appointed by the Governor, by and with the advice and consent of the Council, shall be court commissioners of the Territory for the respective judicial districts so appointed until the 15th day of April, 1896, and until their successors are appointed and qualified. And in case of the creation of any other judicial district court, the Governor is hereby authorized to appoint a court commissioner therefor.

Court com-
missioners.

In case of failure or omission of said persons, or either of them, from any cause, to accept said office, or in case of vacancy by death, resignation or from any other cause, in either of said offices, the clerk of the county in which the district court is held shall be the commissioner of said court and qualify as such, as in this act provided for the qualifications of commissioner.

Qualification
and bond of
commissioner.

SEC. 12. Each of said court commissioners, within thirty days after the passage of this act, or the county clerk immediately after receiving knowledge that the duties of said office have devolved upon him, as in this act provided, shall qualify by subscribing to the oath of office and filing a bond in the penal sum of ten thousand dollars, with at least two sufficient sureties, with the Territorial Auditor of Public Accounts, which bond must be approved by him.

Duties of com-
missioners.

SEC. 13. It shall be the duty of each of said commissioners to examine all court certificates under the provisions of this act presented to him and compare them with the records of the court. He shall have access to all records, papers and statements, except indictments or other proceedings before the grand jury, touching upon services rendered by jurors, witnesses and phonographic reporters, and may administer oaths or affirmations to the holder of any such certificate, or the person to whom it was issued, and examine him regarding the service performed, miles traveled, etc. If the commissioner is satisfied that the service has been performed and the certificates are correct, he shall allow the amount claimed, and if incorrect shall increase or decrease the sum to the correct amount.

Commission-
ers to draw on
Auditor.

SEC. 14. Said commissioners are authorized to draw upon the Auditor of Public Accounts for sufficient amount to pay said jurors, witnesses and phonographic reporters upon presentation of said certificates when audited and corrected as herein provided; Provided, that neither of said commissioners shall at any time have on hand more than five thousand dollars for the purposes herein mentioned.

Commission-
ers to report
annually.

SEC. 15. They shall keep an accurate account of all moneys drawn by them, to whom and when paid, and the cause of disbursement, and they shall disburse no money except on the presentation of said court certificates, and when payment is made thereupon said

certificate shall be taken up, cancelled, registered and filed, together with a statement of account, annually, with the Auditor of Public Accounts, who shall audit the same, and certify to the correctness thereof and receipt to such commissioner for the same.

SEC. 16. For their services, the said commissioner <sup>Compensation of commis-
sioners.</sup> in and for the First Judicial District shall receive a compensation of three hundred dollars per annum; and the said commissioner in and for the Second Judicial District shall receive one hundred and fifty dollars per annum; and the commissioner in and for the Third Judicial District shall receive a compensation of six hundred dollars per annum; and the commissioner in and for the Fourth Judicial District shall receive the sum of three hundred dollars per annum; and in case of the creation of a new district not herein provided for, the commissioner, appointed by the Governor, as provided in Section 11 of this act, shall receive a compensation of two hundred dollars per annum. The compensation for all of such commissioners shall be paid by the Territorial Treasurer upon the warrant of the Territorial Auditor of Public Accounts, out of the amount appropriated and set apart in the next section.

SEC. 17. The Territorial Treasurer, for the purpose of carrying out the provisions of this act, is hereby required to set apart and reserve in a separate fund, to be known as the fund for the payment of jurors, witnesses and phonographic reporters; all moneys appropriated for said purpose, to be paid out only upon the Auditor's warrant in favor of said court commissioners, for the purposes and in the manner provided in this act; Provided, the Treasurer shall not retain in said fund more than one-half of the money appropriated for jurors, witnesses and phonographic reporters at any one time. <sup>Fund for wit-
nesses, jurors
and reporters.</sup>

SEC. 18. Every witness, juror, phonographic reporter or other person to whom an oath has been administered, under the provisions of this act, who shall state as a fact any matter which he knows to be untrue, shall be guilty of perjury. <sup>Making false
statement.</sup>

SEC. 19. Every clerk of the district court who shall certify as a fact any matter which he knows to be untrue, whereby any witness, juror or phonographic reporter shall be allowed a greater sum than <sup>Issuing false
certificate.</sup>

he would otherwise be entitled to under the provisions of this act shall be guilty of a misdemeanor.

Allowing excessive fees, etc.

SEC. 20. Every court commissioner who shall audit any court certificate provided for in this act, and willfully allows a greater or less amount thereon than should be allowed under this act, or who shall require any grand juror or witness before the grand jury to state any fact other than such as relate to the attendance and mileage of such juror or witness, shall be guilty of a misdemeanor.

Court officials not to purchase certificates, etc.

SEC. 21. No person connected officially with either of the district courts of this Territory, nor any public officer, shall be interested, either directly or indirectly, by purchase or otherwise, in any certificate issued for the services of jurors or witnesses under this act, and any person violating the provisions of this section shall be guilty of a misdemeanor.

Endorsing certificates.

SEC. 22. Whenever any of the certificates of witnesses or jurors designated in this act shall have been examined by a commissioner of the district where such certificate has issued, and the same having been examined by said commissioner and approved as in this act provided, such commissioner, when there is no money to pay the same in his hands, is authorized to endorse upon said certificate the following words:

"I hereby certify that I have examined the within certificate and records of the court, and find the same in all respects to be a true, correct and valid certificate for services as a juror or witness (as the case may be), and I further certify that the amount of \$——— as shown on the within is correct, and that said certificate and amount are valid for the payment of Territorial taxes. Dated this——day of——189—. ———Commissioner."

Certificates received for taxes.

And when so certified such certificate shall be received from the holder thereof as payment of Territorial taxes by any collector of any county in the district where such certificate issued, and the Territorial Treasurer shall receive such certificates from collectors in settlement of Territorial taxes.

Clerk to furnish copy of roll.

SEC. 23. It shall be the duty of the district clerks of the respective district courts to furnish the commissioner of the district (without compensation), a certified copy of the roll of witnesses and jurors

from time to time, upon a request by said commissioner.

SEC. 24. Any holder of a witness' or juror's certificate specified in this act shall be required to present the same to the commissioner in the district where such certificate issued, within six months from the date of its issuance, and in case such certificate be not presented for payment within such date, the same shall be invalid, and payment thereof shall be refused by such commissioner. Limit of time for presenting certificate.

SEC. 25. It shall be the duty of each court commissioner provided for in this act to make a careful examination of the books, records and proceedings of the clerk's office in the district wherein said commissioner resides, and ascertain therefrom the amount of all fines and penalties collected by such clerks, and report the same semi-annually, beginning on the first day of January, 1894, to the Territorial Auditor. Commissioners to examine clerk's records.

SEC. 26. This act shall take effect on the first day of April, (1894) one thousand eight hundred and ninety-four.

SEC. 27. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Approved March 8th, 1894.

CHAPTER LXXX.

INSPECTION OF ANIMALS AND MEATS.

AN ACT to Prevent the Exposure for Sale of Unwholesome or Diseased Meats in Cities having a Population of 10,000 Inhabitants, or over, within the Territory of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. The office of meat inspector is hereby created for cities having a population of 10,000 inhabitants, or over, within the Territory of Utah; and immediately after the passage of this act such cities shall appoint a meat inspector, or inspectors, whose Meat inspectors.

compensation shall be borne by said cities and shall be such as will secure the services of a competent veterinarian, who shall take an oath of office to faithfully perform the duties of his office and execute an official bond to the said city in the sum of five thousand dollars.

Place for inspection of animals.

SEC. 2. It shall be the duty of city councils of cities having the population required by this act to designate some convenient place in, or adjacent to, such cities, where all cattle, sheep or swine, intended for immediate slaughter and consumption for food in said cities shall be brought for inspection on the hoof, which inspection shall be made at such time as said city councils may direct.

Time of inspection of animals.

SEC. 3. 1st.—All cattle, sheep and swine intended for immediate slaughter and consumption for food, in cities having a population of 10,000 inhabitants, or over, shall be submitted to the meat inspector for examination on the hoof, the day before being slaughtered and shall be brought to such place, as may be provided in Section 2.

Time for inspection of meats

2d.—The carcasses of all animals so inspected on the hoof, and slaughtered within a radius of seven miles, from the center of said cities, before being exposed for sale shall be inspected by the meat inspectors, and such carcass or carcasses as may pass examination shall be marked with a tag similar to that in use by the government of the United States, in the bureau of animal industry, which tag shall be designed and adopted by the city councils of said cities as the city stamp or certificate for the designation of wholesome and healthy meats; Provided, that nothing herein contained shall be construed to prevent any person from slaughtering, without inspection, any healthy animal the meat of which is intended for his own use or that of his household.

Meat for home use.

Standard of inspection.

3d.—The rules, regulation and method of inspection adopted by the bureau of animal industry, conducted by the United States government, shall be taken as the standard of meat inspection and shall be followed as closely as may be practical by the meat inspectors, appointed by said cities.

Inspection as to ownership and health of animals.

SEC. 4. 1st.—It shall be the duty of the meat inspectors appointed by cities having a population of 10,000 inhabitants, or over, to inspect on the hoof at such time and place as may be designated by the city

councils of said cities, as before provided, both as to ownership and health of animals, all cattle, sheep and swine which may be brought to such place and which animals are intended for immediate slaughter and consumption for food in said cities.

2d.—As soon as possible after such animals have been slaughtered the said meat inspectors shall inspect the carcasses of the same and if found healthy, shall attach thereto the city stamps or tags indicating that such carcass is wholesome and a fit article for food.

3d.—The meat inspectors appointed by said cities shall perform such other duties in inspecting food as said cities may require; Provided, that such additional duties shall not interfere with the proper discharge of the duties of meat inspector as herein specified. Other duties of inspectors.

SEC. 5. 1st.—The meat inspectors appointed by said cities shall have the right to condemn any carcass, carcasses, or parts thereof, of any cattle, sheep or swine which they may find after examination to be unfit for food and shall order the owner to destroy the same in such manner as may be acceptable to said inspectors. Condemnation of unwholesome meats.

2d.—They shall take possession of all animals inspected by them and found to be unlawful in the possession of any person, and shall sell the same at the market price. After such sale the inspector shall, by the use of recorded marks and brands and otherwise, use due diligence to find the lawful owner, and if he be found within six months from the date of sale, the proceeds of said sale, after the deduction of all costs therefrom, shall be paid to the said lawful owner; otherwise at the expiration of six months, the proceeds shall be disposed of as provided for in the sale of estrays. Seizure and sale of animals found in unlawful possession.

3d.—The inspectors appointed under this act shall keep a record of all animals thus sold by them, including marks and brands, which record shall be open to the inspection of the public at all reasonable hours. Inspector's record.

4th.—The said meat inspectors shall have the same power as is now conferred by law on sheriffs, constables or other peace officers, to arrest any person, or persons, whom said meat inspectors may have reason to believe are in possession of stolen stock or who may be guilty of violating any of the provisions of this act. Power to make arrests.

Penalty for
sale or pur-
chase of unin-
spected meats.

SEC. 6. 1st.—Any person or persons, company or corporation who may sell or offer for sale, buy or offer to buy, within the limits of said city any carcass or carcasses, or portions thereof of any cattle, sheep or swine, which have not been inspected and tagged as herein required or accepted as hereafter stated, shall, on conviction thereof, be punished by a fine not exceeding two hundred dollars; Provided, that nothing in this act, or in any paragraph thereof, shall be construed to interfere with the offering for sale of any meats bearing a stamp or tag indicating that the same has been inspected by the United States government or some county or municipality where a proper sanitary meat inspection as required by this act has been complied with.

Penalty for al-
tering, de-
stroying, forg-
ing, etc., in-
spection tag.

2d.—Any person or persons, who shall forge, counterfeit or knowingly or wrongfully alter, deface, destroy or use any of the marks, stamps or other devices which may be adopted by said cities or counties, as herein required for the purpose of designating wholesome and healthful [healthy*] meats, or who may sell or attempt to sell any meats which may have been condemned by the said meat inspectors, shall be guilty of a misdemeanor within the meaning of this act, and on conviction thereof shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding six months, or by both said punishments, in the discretion of the court.

Cities or
counties may
adopt.

SEC. 7. Any city or county of the Territory of Utah shall have the option of adopting the sanitary provisions of this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 8th, 1894.

CHAPTER LXXXI.

COUNTY WARRANTS AND SPECIAL TAX FOR ROADS.

AN ACT to Provide for Labor upon the Public Roads in the several Counties of Utah Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the several counties of this Territory may, and they are hereby authorized and empowered to issue warrants to the amount of one-fourth of one mill for each dollar in value of the taxable property situated in the county, said value to be computed from the assessed value of property within the respective county, according to the assessment roll of A. D. 1893, said warrants to bear interest at the rate of eight per cent. per annum from the date of issue until called in for payment; Provided, that such warrants shall not be issued for any other purpose than in payment for labor performed upon the public roads within the county issuing them. County may issue warrants; limitations.

SEC. 2. Said warrants shall be redeemable within two years from the date of issue, at the option of the county issuing them. Redemption.

SEC. 3. Any county issuing warrants as is herein provided may levy and collect a special tax, not to exceed three-eighths of one mill on each dollar of the taxable property within the county, for the purpose of redeeming said warrants, and the funds so collected shall be applied, first to the redemption of said warrants, and the surplus, if there be any, shall be covered into the general fund of the county. County may levy special tax.

SEC. 4. This act shall take effect from and after its passage.

Approved March 8th, 1894.

CHAPTER LXXXII.

NEEDY WORKMEN APPROPRIATION.

RESOLUTION.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah:

That the Territorial Treasurer be and he is hereby directed to pay the warrant or warrants drawn by the Auditor on account of the appropriation of \$2000.00 for labor on the capitol site, in pursuance of H. B. No. 33, lately enacted into law, without regard to other warrants registered in advance of such warrants.

This resolution to take effect upon approval.

Approved February 27th, 1894.

Labor on capitol site.

CHAPTER LXXXIII.

ADDITIONAL CONTINGENT EXPENSES.

AN ACT to Provide for the Payment of Additional Contingent Expenses of the Thirty-first Legislative Assembly of the Territory of Utah.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the following sums of money are hereby appropriated out of any money in the Territorial treasury for the purpose of defraying certain contingent expenses of the Thirty-first Session of the Legislative Assembly as hereinafter expressed:

To R. G. Lambert, as chaplain of the Council, \$150.00.
To S. G. Clark, as chaplain of the House, \$150.00.

SEC. 2. The Auditor of Public Accounts shall draw his warrants on the Treasurer for the sums hereinbefore named.

SEC. 3. This act shall take effect from and after its approval.

Approved March 8th, 1894.

Payment of chaplains.

CHAPTER LXXXIV.

GENERAL APPROPRIATIONS.

AN ACT Making Appropriations for General Purposes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

SECTION 1. That the following sums of money are hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, for the purposes hereinafter expressed:

To Territorial Insane Asylum, for maintenance for two years, 1894 and 1895, one-half to be drawn each year on the order of the board of directors, or so much thereof as may be necessary,	\$75,000.00
For the University of Utah, for the general maintenance of all departments except the School of Deaf Mutes and Blind, for the years 1894 and 1895, or so much thereof as may be necessary, and in lieu of all special appropriations, one-half to be drawn each year,	45,000.00
For the School of Deaf Mutes and Blind, for the years 1894 and 1895, one-half to be drawn each year, or so much thereof as may be necessary,	15,000.00
For Territorial Reform School for maintenance for two years, 1894 and 1895, one-half to be drawn each year by the board of directors,	15,042.92
For the Deseret Agricultural and Manufacturing Society, deficiency,	2,939.75
For expenses to operate Fair for 1894, and to provide for expenses for the year 1895, to be drawn on the order of the board of directors,	7,060.25
For the Agricultural College, for maintenance for the years 1894 and 1895, to be drawn one-half each year, by the trustees of said college, or so much thereof as may be necessary,	15,000.00

Public institutions.

For deficiency for building college, to be drawn and expended by the board of trustees of said college,\$ 2,741.98

Interest.

For interest on Territorial bonds, 70,000.00

Witnesses, jurors, reporters, court commissioners, etc.

SEC. 2. For payment of witnesses and jurors and phonographic reporters in Territorial criminal cases in district courts of this Territory, for the years 1894 and 1895, or so much thereof as may be necessary; Provided, that the said amounts shall be drawn by the court commissioners of each district and paid out upon vouchers duly authenticated for services as jurors in Territorial civil and criminal cases, and for witnesses and phonographic reporters in criminal cases in which the Territory is liable, as required by law, 80,000.00

For outstanding jurors' and witnesses' certificates for the years 1892 and 1893, or so much thereof as may be necessary, to be drawn on the order of the court commissioners, as follows: 20,000.00

First Judicial District, to be drawn on the order of the court commissioner, \$7,556.22

Second Judicial District, to be drawn on the order of court commissioner, 6,521.30

Third Judicial District, to be drawn on the order of the court commissioner, 2,042.65

Second Judicial District, for salary, 1892 and 1893, to be drawn by W. H. Bakes, 200.00

Fourth Judicial District, to be drawn on the order of the court commissioner, 672.00

The sum of \$250.00, or so much thereof as may be necessary, is hereby appropriated to pay witnesses' and jurors' certificates in the Second Judicial District for the years 1890 and 1891.

Public officers and official expenses, etc.

SEC. 3. To the Territorial Board of Equalization, for services for said board and for books, blanks and stationery, and all expenses for performing the duties of the board, for the years 1894 and 1895, or so much thereof as may be necessary, to be drawn on the order of said board, 6,000.00

For deficit of said board for the years 1892 and 1893, 617.07

For rent of office rooms for said board for the years 1894 and 1895, one half to be drawn each year,.....	\$ 200.00
To the Auditor of Public Accounts, for salary in full for all services, for the years 1894 and 1895, to be drawn quarterly,....	4,000.00
For rent of rooms for the Territorial Auditor and Recorder of Marks and Brands for the year 1894 and 1895, or so much thereof as may be necessary, provided the same shall be paid out on vouchers to be filed with the Auditor,	750.00
For incidental expenses of the office of Territorial Auditor and Recorder of Marks and Brands for the years 1894 and 1895, or so much thereof as may be necessary, provided the same shall be paid out on vouchers to be filed with Auditor,.....	400.00
For salary of the Territorial Commissioner of District Schools for the years 1894 and 1895, to be drawn quarterly, \$250.00 each quarter, which shall be in full for all services and compensation for said term,....	2,000.00
For salary for attorney to the Auditor for advice and service for the years 1894 and 1895, which shall be in full for all services,	300.00
For incidental expenses, mileage, etc., of the Territorial Commissioner of District Schools; Provided, that the same shall be paid out on vouchers approved by and filed with the Auditor, a statement of which shall be presented to the Legislative Assembly at the next regular session thereof,	800.00
For the Territorial Library, to include and pay for all present indebtedness for goods, merchandise, furniture, insurance, and all other things, up to date, and to pay the current expenses for the years 1894 and 1895, or so much thereof as may be necessary, to be drawn on the order of the board of control of said library,.....	4,500.00
For deficiency in expense for surveying and disposing of university lands for the years 1892 and 1893, to be drawn on the order of	

the Commissioners to Locate University Lands,	\$ 2,532.00
For closing up the business of surveying and disposing of university lands, or so much thereof as may be necessary, to be drawn on the order of the Commissioners to Locate University Lands,	4,000.00
For salary of the Territorial Treasurer for the years 1894 and 1895, including office rent and stationery, to be drawn one-half each year,	2,000.00
For salary of Private Secretary for the Governor for the years 1894 and 1895, to be drawn quarterly, upon the order of the Governor,	1,800.00
To each of the Judges of the district courts of this Territory, as a salary for 1894 and 1895, \$1500 each, to be paid quarterly,	6,000.00
For salary of the clerk of the First District Court,	600.00
For salary of the clerk of the Second District Court,	400.00
For salary of the clerk of the Third District Court,	900.00
For salary of the clerk of the Fourth District Court,	750.00
For salary of the clerk of the Supreme Court,	500.00
Provided, that the salaries of the clerks of the district and supreme courts shall be for the years 1894 and 1895, and shall be drawn quarterly, and shall be in lieu of all fees allowed said clerks in all Territorial criminal cases.	
For the clerk of the Supreme Court, for services as Territorial Librarian for the years 1894 and 1895, to be drawn quarterly,	1,000.00
For salary of the Territorial Commissioner of fish and game for 1894 and 1895, to be drawn quarterly,	500.00
For salaries of officers of the National Guards of Utah, and for other expenses connected with the militia, for the years	

1894 and 1895, to be drawn upon the order of the commander-in-chief, \$ 3,000.00

SEC. 4. To the Territorial Recorder of Marks and Brands, for publishing at least quarterly, the recorded marks and brands of Utah Territory, same to be distributed free of charge through the county clerks to the various justices of the peace and constables throughout the Territory, one-half to be drawn in the year 1894, and the balance in the year 1895, or so much thereof as may be necessary,	400.00	Printing, etc.
For Legislative printing of the Thirty-first Session, to be drawn on the order of James B. Bloor, public printer, or so much thereof as may be necessary,	1,200.00	
For improvement and care of Capitol Grounds for the years 1894 and 1895, one-half to be drawn each year, and drawn and expended under the supervision of the Capitol Commission,	2,000.00	Capitol grounds.
SEC. 5. To D. Alexander, for Auditor's warrant No. 3057.....	1.70	General ex- penses.
To Ambrose Shaw, for Auditor's warrant No. 3513,	20.20	
To James McKnight, for Auditor's warrant No. 2420,	3.90	
To Coray Brothers & Company, for teams and carriages furnished on the order of the fourth district court, for the grand jury,	70.00	
To H. G. McMillan, for freight, express paid on records, books and vault fittings, and for fees in certain Territorial civil cases,	104.49	
To W. W. Browning & Co., for 2000 witness' certificates, register of affidavits and re-binding records for the fourth district court,	19.00	
To C. P. Bird, for Territorial Auditor's warrants Nos. 2982, 9821 and 9831,	30.92	
To E. A. Wedgwood, for taking testimony and railroad fare in the contest case Dougall vs. Robertson,	23.15	

Contingent expenses for Governor's office for 1894 and 1895,	\$ 600.00
To Deseret National Bank, for exchange on coupons on Territorial bonds,	56.24
To W. L. Cook, clerk second district court, for indexing and labor on the books and records of said court,	361.50
Salt Lake Lithographing Company, for records, blanks, and supplies furnished the district courts for the years 1892 and 1893,	330.25
To W. M. McCarty, for fees as Assistant U. S. Attorney in certain Territorial criminal cases, in the second district court, ..	630.00
To John Morris & Co., for books and records for the use of the clerk, third district court,	123.75
To H. G. McMillan, clerk third district court, for freight and drayage upon court records from Chicago,	5.05
To Sidney Tanner, for relief for amount paid by him on the bond of Josiah Rogerson, ex-collector of Beaver County,	740.00
To A. Milton Musser, Territorial Fish Commissioner, for express charges on two hundred pounds of lake trout eggs from Michigan,	30.00
To George D. Barnard & Co., for records, books and steel cabinets for vaults for the several district courts,	1,400.18
To Eugene Young, for rent of typewriter paid by him for the use of the 30th Legislative Session,	10.50
To J. Barnett, Territorial Treasurer, to be paid to Spencer Clawson for storage on public documents, papers and Compiled Laws,	100.00
To Wells, Fargo & Co., for exchange on coupons of series three, Territorial bonds	23.45
To Smythe Brittain & Poore Company for balance due on printing and binding Smith's index to statutes, as per contract entered into by the 30th Legislative Assembly,	126.67

To Parks & Thompson, for attorneys' fees in certain school land cases before the land office,	\$ 100.00
To John Morris & Company, for books, records and stationery furnished the clerk of the fourth district court,	187.50
For books and records furnished the clerk of the 1st dist. court.....	146.50
For one witness certificate record furnished the clerk of the first district court,	9.00
To D. H. Peery, Jr., clerk 1st dist. court, for freight paid on records and books.....	57.31
To Hall & O'Donald Lithographing Co., for records and books furnished the clerk of the first district court,	132.90
Henry Cohn & Co., for storage and moving two safes, the property of the Territory,	117.50
K. S. Boreman, clerk fourth district court, for freight and express charges paid on records and books,	11.75
To Harmel Pratt, for services as attorney and adviser to the Territorial Auditor for the two years,	1,000.00
To A. J. Burt, ex-sheriff of Salt Lake County, for attendance on the district court to March 2, 1892, in full of all services as reported by the claim committee,	1,000.00
To R. S. Joyce, for microscopical examination in the case of the People vs. Adams,	25.00
To A. S. Condon, for services in the case of the People vs. Adams,	25.00
To George Havercamp, for certificate as interpreter in certain Territorial cases,	10.00
Balance to H. W. Hawley, for services as sheriff of Millard County, capture of Wm. Miles,	100.00

SEC. 6. To the counties hereinafter mentioned for one-half the cost of maps and plats for the county assessor of the several counties furnished during the years 1892 and 1893, to be drawn on the

County plats
and maps.

order of the county courts of the respective counties:

Utah County,	\$ 362.00
Cache County,	78.00
Wasatch County,	65.00
Sanpete County,	553.79
Box Elder County,	413.77
Davis County,	124.80
Weber County,	1,239.35
Sevier County,	500.00
Tooele County,	97.50
Morgan County,	192.52

SEC. 7. For relief of overpaid taxes, same to be remitted and credited upon the books of the Territorial Auditor, viz:

Relief of taxes.

Morgan County, for amount paid on mortgages assessed,	\$ 65.00
H. S. Cutler, assessor and collector of Kane County,	34.10
Nathan Faux, ex-collector of Sanpete County,	23.12
W. P. Wilson, assessor and collector of Garfield County,	166.85
Thomas Williams, collector of Tooele County,	259.85
Ferdinand Erricksen, collector of Sanpete County,	78.35
R. A. Allen, collector Piute County,	62.87

Claims and bills to be filed.

SEC. 8. That all claims and bills for money appropriated herein, for relief of any and all persons, shall be filed with the Auditor of Public Accounts before warrants shall be drawn for the same.

Auditor to balance books.

SEC. 9. The Territorial Auditor is hereby required to balance upon his books all credits remaining on his books on the passage and approval of this act, by charging said accounts and crediting appropriation account.

Priority of payment.

SEC. 10. That out of the first money, in the Territorial treasury, not otherwise appropriated,*] from revenue and not including school moneys, shall first be paid the amounts appropriated herein for the pay-

*Not in original.

ment of deficits reported by the various officers, trustees and institutions.

SEC. 11. Payments for salaries or other expenses Duplication. included in this bill, shall not be duplicated if it appear that they are covered by appropriations heretofore made by special laws.

SEC. 12. All acts or parts of acts in conflict and inconsistent with this act are hereby repealed.

SEC. 13. This act shall take effect from and after its approval.

Approved March 8th, 1894.

CERTIFICATE OF AUTHENTICATION.

TERRITORY OF UTAH, }
SECRETARY'S OFFICE. } ss.

I, CHARLES C. RICHARDS, Secretary of the Territory of Utah, do hereby certify that the Acts and Resolutions published in this volume, beginning on page one, and ending on page one hundred and fifty-nine, are full, true and correct copies of the originals, passed by the Thirty-first Session of the Utah Legislature (1894), as the same appear on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Territory.



Done at Salt Lake City, this 30th day of April, A. D. 1894.

CHARLES C. RICHARDS,

SECRETARY OF THE TERRITORY.

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GENERAL INDEX

TO THE

STATUTES OF UTAH

INCLUDING

Vols. I and II of the Compiled Laws of 1888,
the Session Laws of 1890, and the
Session Laws of 1892.

COMPILED BY AUTHORITY OF THE THIRTIETH LEGISLATIVE ASSEMBLY

BY

GRANT H. SMITH,

OF THE SALT LAKE BAR.

SALT LAKE CITY:
PRESS OF THE IRRIGATION AGE.

1892.

439.92

This Book

is the property of the **Territory of Utah**, and is
furnished for the use of the office of Clerk
of Salt Lake County
to be transmitted by the incumbent thereof at the
expiration of his term to his successor in office.

Arthur Pratt

Territorial Auditor of Public Accounts.

COMPILER'S NOTE.

This index is published by virtue of an act of the Thirtieth Legislative Assembly of Utah, according to the provisions of which David Evans of the Council, and J. N. Kimball and M. F. Arnett of the House, were appointed a committee to supervise its compilation. The work was delegated to me and on its completion was approved by the committee.

Reference to the provisions of Vol. II of the Compiled Laws of 1888 is made wholly by sections, the advantage of which is evident. Reference to the other volumes is by pages, the manner of the compilation not permitting sectional references.

The appropriation for printing did not permit of the making of other than paper-bound copies of this index, but that will not be a disadvantage since every one should have it bound together with the Laws of 1890 and the Laws of 1892.

The amendments to our laws made by the last two legislative assemblies are noted herein by references to 1890 or 1892, in parenthesis, placed before the reference amended.

The provisions of our Codes relative to Justice Court Practice are so distributed as to cause considerable annoyance, to relieve which there are inserted before sectional references to District Court Practice references in parenthesis to J. C. which indicate and refer to similar provisions applying to Justices' Courts.

Probate Procedure is all indexed alphabetically under the heading of Estates of Deceased Persons, an arrangement which will greatly simplify that practice.

So many cross-references are made all through the index that some of them will be somewhat indirect, but while they may be a nuisance at times their value in other instances will serve as a compensation.

Not many persons realize the amount of painstaking labor involved in the production of this volume, but when it is considered that nearly thirty thousand references are made, each one of which required careful attention, no doubt a liberal allowance will be made for occasional errors and omissions.

It has been my object to send forth an index that will be clear and full enough to make the practice of law under our rather awkwardly compiled codes much less burdensome. Certainly it is not philanthropy misdirected, but whether sufficiently well carried out to merit commendation remains to be seen.

GRANT H. SMITH,

Salt Lake City, July 15, 1892.



General Index to the Laws of Utah.

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